

THE BHARATIYA NYAYA (SECOND) SANHITA, 2023

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357. Breach of contract to attend on and supply wants of helpless person.

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REPEAL AND SAVINGS

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CHAPTER I: PRELIMINARY

Section 1: Short title, commencement and application.

(1) This Act may be called the Bharatiya Nyaya (Second) Sanhita, 2023.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Sanhita.

(3) Every person shall be liable to punishment under this Sanhita and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within India.

(4) Any person liable, by any law for the time being in force in India, to be tried for an offence committed beyond India shall be dealt with according to the provisions of this Sanhita for any act committed beyond India in the same manner as if such act had been committed within India.

(5) The provisions of this Sanhita shall also apply to any offence committed by -

(a) any citizen of India in any place without and beyond India;

(b) any person on any ship or aircraft registered in India wherever it may be;

(c) any person in any place without and beyond India committing offence targeting a computer resource located in India.

Explanation: In this section, the word "offence" includes every act committed outside India which, if committed in India, would be punishable under this Sanhita.

Illustration:

A, who is a citizen of India, commits a murder in any place without and beyond India. He can be tried and convicted of murder in any place in India in which he may be found.

(6) Nothing in this Sanhita shall affect the provisions of any Act for punishing mutiny and desertion of officers, soldiers, sailors or airmen in the service of the Government of India or the provisions of any special or local law.

Simplified Acts

(1) This law is called the Bharatiya Nyaya (Second) Sanhita, 2023.

(2) It will start on a date chosen by the Central Government, which will be announced in the Official Gazette. Different parts of the law can start on different dates.

(3) Anyone who breaks the rules of this law within India will be punished according to this law.

(4) If someone can be tried under Indian law for a crime committed outside India, they will be treated as if they committed the crime in India.

(5) This law also applies to crimes committed by:

(a) Any Indian citizen anywhere outside India;

(b) Anyone on a ship or aircraft registered in India, no matter where it is;

(c) Anyone outside India who targets a computer resource located in India.

Explanation: Here, "offence" means any act done outside India that would be a crime if it were done in India.

Example:

If A, an Indian citizen, commits murder outside India, he can be tried and punished for murder in India.

(6) This law does not change any existing laws that punish mutiny and desertion by military personnel or any special or local laws.

Explanation using Example

Example 1:

Rajesh, an Indian citizen, travels to France for a business trip. While in France, he gets into a heated argument with a colleague and ends up physically assaulting him, causing serious injury. Under the Bharatiya Nyaya Sanhita, 2023, Rajesh can be tried and punished for the assault in India, even though the incident occurred in France. This is because the act applies to any Indian citizen committing an offence outside India.

Example 2:

A ship registered in India is sailing in international waters. Onboard, a crew member named Sunil is found to be in possession of illegal drugs. Under the Bharatiya Nyaya Sanhita, 2023, Sunil can be prosecuted in India for drug possession, despite the ship being in international waters, because the ship is registered in India.

Example 3:

Priya, an Indian citizen, is working remotely from the United States. She hacks into a computer system located in India and steals sensitive data. Under the Bharatiya Nyaya Sanhita, 2023, Priya can be prosecuted in India for the cybercrime, even though she committed the offence while being physically present in the United States.

Example 4:

An aircraft registered in India is flying over the Atlantic Ocean. During the flight, a passenger named Arjun gets into a fight with another passenger and causes serious injury. Under the Bharatiya Nyaya Sanhita, 2023, Arjun can be tried and punished in India for the offence, as the aircraft is registered in India.

Example 5:

A foreign national named John, while in the United States, hacks into a computer system located in India and disrupts its operations. Under the Bharatiya Nyaya Sanhita, 2023, John can be prosecuted in India for the cybercrime, even though he is not an Indian citizen and committed the offence outside India.

Section 2: Definitions

In this Sanhita, unless the context otherwise requires,--

(1) "act" denotes as well a series of acts as a single act;

(2) "animal" means any living creature, other than a human being;

(3) "child" means any person below the age of eighteen years;

(4) "counterfeit". - A person is said to "counterfeit" who causes one thing to resemble another thing, intending by means of that resemblance to practice deception, or knowing it to be likely that deception will thereby be practised.

Explanation 1. - It is not essential to counterfeiting that the imitation should be exact.

Explanation 2. - When a person causes one thing to resemble another thing, and the resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the one thing to resemble the other thing intended by means of that resemblance to practise deception or knew it to be likely that deception would thereby be practised;

(5) "Court" means a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially;

(6) "death" means the death of a human being unless the contrary appears from the context;

(7) "dishonestly" means doing anything with the intention of causing wrongful gain to one person or wrongful loss to another person;

(8) "document" means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, and includes electronic and digital record, intended to be used, or which may be used, as evidence of that matter.

Explanation 1. - It is immaterial by what means or upon what substance the letters, figures or marks are formed, or whether the evidence is intended for, or may be used in a Court or not.

Illustrations.

(a) A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document.

(b) A cheque upon a banker is a document.

(c) A power-of-attorney is a document.

(d) A map or plan which is intended to be used or which may be used as evidence, is a document.

(e) A writing containing directions or instructions is a document.

Explanation 2. - Whatever is expressed by means of letters, figures or marks as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.

Illustration.

A writes his name on the back of a bill of exchange payable to his order. The meaning of the endorsement, as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and shall be construed in the same manner as if the words "pay to the holder" or words to that effect had been written over the signature;

(9) "fraudulently" means doing anything with the intention to defraud but not otherwise;

(10) "gender". - The pronoun "he" and its derivatives are used of any person, whether male, female or transgender.

Explanation. - "transgender" shall have the meaning assigned to it in clause (k) of section 2 of the Transgender Persons (Protection of Rights) Act, 2019;

(11) "good faith". - Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention;

(12) "Government" means the Central Government or a State Government;

(13) "harbour" includes supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this clause or not, to evade apprehension;

(14) "injury" means any harm whatever illegally caused to any person, in body, mind, reputation or property;

(15) "illegal" and "legally bound to do". - The word "illegal" is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action; and a person is said to be "legally bound to do" whatever it is illegal in him to omit;

(16) "Judge" means a person who is officially designated as a Judge and includes a person,--

(i) who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive; or

(ii) who is one of a body or persons, which body of persons is empowered by law to give such a judgment.

Illustration.

A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appeal, is a Judge;

(17) "life" means the life of a human being, unless the contrary appears from the context;

(18) "local law" means a law applicable only to a particular part of India;

(19) "man" means male human being of any age;

(20) "month" and "year". - Wherever the word "month" or the word "year" is used, it is to be understood that the month or the year is to be reckoned according to the Gregorian calendar;

(21) "movable property" includes property of every description, except land and things attached to the earth or permanently fastened to anything which is attached to the earth;

(22) "number". - Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number;

(23) "oath" includes a solemn affirmation substituted by law for an oath, and any declaration required or authorised by law to be made before a public servant or to be used for the purpose of proof, whether in a Court or not;

(24) "offence". - Except in the Chapters and sections mentioned in sub-clauses (a) and (b), the word "offence" means a thing made punishable by this Sanhita, but--

(a) in Chapter III and in the following sections, namely, sub-sections (2), (3), (4) and (5) of section 8, sections 9, 49, 50, 52, 54, 55, 56, 57, 58, 59, 60, 61, 119,

120, 123, sub-sections (7) and (8) of section 127, 222, 230, 231, 240, 248, 250, 251, 259, 260, 261, 262, 263, sub-sections (6) and (7) of section 308 and sub-section (2) of section 330, the word "offence" means a thing punishable under this Sanhita, or under any special law or local law; and

(b) in sub-section (1) of section 189, sections 211, 212, 238, 239, 249, 253 and sub-section (1) of section 329, the word "offence" shall have the same meaning when the act punishable under the special law or local law is punishable under such law with imprisonment for a term of six months or more, whether with or without fine;

Simplified Acts

(1) "act" means both a single action and a series of actions.

(2) "animal" refers to any living creature except a human being.

(3) "child" means anyone under the age of eighteen.

(4) "counterfeit" - A person is said to "counterfeit" when they make one thing look like another to deceive someone or knowing it might deceive someone.

Explanation 1 - The imitation doesn't have to be perfect to be considered counterfeiting.

Explanation 2 - If someone makes one thing look like another and it could deceive someone, it is assumed they intended to deceive unless proven otherwise.

(5) "Court" means a Judge or a group of Judges who are legally allowed to make judicial decisions.

(6) "death" means the death of a human being unless the context suggests otherwise.

(7) "dishonestly" means doing something with the intention of causing wrongful gain to one person or wrongful loss to another.

(8) "document" means anything written, drawn, or marked on any material, including electronic and digital records, that can be used as evidence.

Explanation 1 - It doesn't matter how or on what material the writing, drawing, or marking is made, or whether it is intended for use in Court or not.

Illustrations:

- (a) A written contract is a document.
- (b) A cheque is a document.
- (c) A power-of-attorney is a document.
- (d) A map or plan intended to be used as evidence is a document.
- (e) Written directions or instructions are documents.

Explanation 2 - Anything expressed using letters, figures, or marks as understood by common or business usage is considered expressed within this section, even if not actually written out.

Illustration:

A signs his name on the back of a bill of exchange payable to his order. According to business usage, this means the bill is to be paid to the holder. This endorsement is a document and is treated as if it says "pay to the holder" or similar words.

- (9) "fraudulently" means doing something with the intention to deceive or cheat someone.
- (10) "gender" - The pronoun "he" and its forms are used for any person, whether male, female, or transgender.

Explanation - "transgender" has the meaning given in clause (k) of section 2 of the Transgender Persons (Protection of Rights) Act, 2019.

- (11) "good faith" - Something is not done or believed in "good faith" if it is done or believed without proper care and attention.
- (12) "Government" means the Central Government or a State Government.
- (13) "harbour" includes providing someone with shelter, food, drink, money, clothes, weapons, or transportation, or helping them in any way to avoid being caught.
- (14) "injury" means any harm caused illegally to someone's body, mind, reputation, or property.
- (15) "illegal" and "legally bound to do" - "Illegal" refers to anything that is a crime, prohibited by law, or gives grounds for a lawsuit. A person is "legally bound to do" anything that it would be illegal for them not to do.

(16) "Judge" means a person officially designated as a Judge and includes:

(i) Someone legally allowed to give a final judgment in any legal case, civil or criminal, or a judgment that becomes final if not appealed, or a judgment that becomes final if confirmed by another authority.

(ii) A member of a group of people legally allowed to give such a judgment.

Illustration:

A Magistrate who can sentence someone to a fine or imprisonment, with or without appeal, is a Judge.

(17) "life" means the life of a human being unless the context suggests otherwise.

(18) "local law" means a law that applies only to a specific part of India.

(19) "man" means a male human being of any age.

(20) "month" and "year" - When the words "month" or "year" are used, they refer to the Gregorian calendar.

(21) "movable property" includes all types of property except land and things attached to the land or permanently fixed to anything attached to the land.

(22) "number" - Unless the context suggests otherwise, words referring to a single item include multiple items, and words referring to multiple items include a single item.

(23) "oath" includes a solemn promise made instead of an oath, and any declaration required or allowed by law to be made before a public servant or used as proof, whether in Court or not.

(24) "offence" - Except in the Chapters and sections mentioned in sub-clauses (a) and (b), "offence" means something punishable by this law, but:

(a) In Chapter III and the specified sections, "offence" means something punishable under this law or any special or local law.

(b) In the specified sections, "offence" means something punishable under a special or local law with imprisonment for six months or more, with or without a fine.

Explanation using Example

Example 1:

Scenario: Ramesh, a 17-year-old boy, is caught stealing a bicycle.

Application of the Act:

According to the definition of "child" in the act, Ramesh is considered a child because he is below the age of eighteen years.

The act of stealing the bicycle is an "offence" as it is punishable under the Bharatiya Nyaya Sanhita 2023.

Since Ramesh is a child, the case may be handled under the Juvenile Justice Act, which provides for different procedures and penalties for children.

Example 2:

Scenario: Priya creates a fake passport that looks very similar to an original passport to deceive immigration officers.

Application of the Act:

Priya's action falls under the definition of "counterfeit" as she caused one thing (the fake passport) to resemble another thing (the original passport) with the intention to practice deception.

Explanation 1 clarifies that the imitation does not need to be exact, which applies to Priya's case.

Explanation 2 presumes that Priya intended to deceive unless proven otherwise, given the resemblance of the fake passport to the original.

Example 3:

Scenario: A company issues a cheque to its supplier.

Application of the Act:

The cheque is considered a "document" as it is a matter expressed upon a substance (paper) by means of letters and figures, intended to be used as evidence of payment.

Illustration (b) under the definition of "document" explicitly states that a cheque upon a banker is a document.

Example 4:

Scenario: A person provides shelter and food to a fugitive to help him evade arrest.

Application of the Act:

The person is "harbouring" the fugitive as per the definition in the act, which includes supplying shelter, food, and other means to evade apprehension.

Example 5:

Scenario: A judge in a local court sentences a person to imprisonment for theft.

Application of the Act:

The judge is acting as a "Court" as defined in the act, which includes a judge empowered by law to act judicially.

The judge is also a "Judge" as per the definition, as he is officially designated and empowered to give a definitive judgment in a legal proceeding.

Example 6:

Scenario: A person writes his name on the back of a bill of exchange payable to his order.

Application of the Act:

The endorsement on the bill of exchange is considered a "document" as per Explanation 2 and the accompanying illustration, which states that the endorsement signifies that the bill is to be paid to the holder.

Example 7:

Scenario: A person intentionally provides false information to gain money from another person.

Application of the Act:

The person's action is "fraudulent" as it is done with the intention to defraud, fitting the definition provided in the act.

Example 8:

Scenario: A transgender person is referred to as "he" in a legal document.

Application of the Act:

The pronoun "he" is used for any person, including transgender individuals, as per the definition of "gender" in the act.

The term "transgender" is defined as per the Transgender Persons (Protection of Rights) Act, 2019.

Example 9:

Scenario: A person believes a rumor without verifying its truth and spreads it, causing harm to another's reputation.

Application of the Act:

The person did not act in "good faith" as the action was done without due care and attention, fitting the definition provided in the act.

Example 10:

Scenario: A person is injured in a car accident caused by another's reckless driving.

Application of the Act:

The harm caused to the person's body is an "injury" as it was illegally caused, fitting the definition provided in the act.

(25) "omission" denotes as well as a series of omissions as a single omission;

(26) "person" includes any company or association or body of persons, whether incorporated or not;

(27) "public" includes any class of the public or any community;

(28) "public servant" means a person falling under any of the descriptions, namely: -

(a) every commissioned officer in the Army, Navy or Air Force;

(b) every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;

(c) every officer of a Court including a liquidator, receiver or commissioner whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any

oath, or to interpret, or to preserve order in the Court, and every person specially authorised by a Court to perform any of such duties;

(d) every assessor or member of a panchayat assisting a Court or public servant;

(e) every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court, or by any other competent public authority;

(f) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

(g) every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

(h) every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report, on any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government;

(i) every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

(j) every person who holds any office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;

(k) every person -

(i) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;

(ii) in the service or pay of a local authority as defined in clause (31) of section 3 of the General Clauses Act, 1897, a corporation established by or under a

Central or State Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013.

Explanation. -

(a) persons falling under any of the descriptions made in this clause are public servants, whether appointed by the Government or not;

(b) every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation is a public servant;

(c) "election" means an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under any law for the time being in force.

Illustration.

A Municipal Commissioner is a public servant;

(29) "reason to believe". - A person is said to have "reason to believe" a thing, if he has sufficient cause to believe that thing but not otherwise;

(30) "special law" means a law applicable to a particular subject;

(31) "valuable security" means a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration.

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security";

(32) "vessel" means anything made for the conveyance by water of human beings or of property;

(33) "voluntarily". - A person is said to cause an effect "voluntarily" when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

Illustration.

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery and thus causes the death of a person. Here, A may not have intended to cause death; and may even be sorry that death has been caused by his act; yet, if he knew that he was likely to cause death, he has caused death voluntarily;

(34) "will" means any testamentary document;

(35) "woman" means a female human being of any age;

(36) "wrongful gain" means gain by unlawful means of property to which the person gaining is not legally entitled;

(37) "wrongful loss" means the loss by unlawful means of property to which the person losing it is legally entitled;

(38) "gaining wrongfully" and "losing wrongfully". - A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property; and

(39) words and expressions used but not defined in this Sanhita but defined in the Information Technology Act, 2000 and the Bharatiya Nagarik Suraksha Sanhita, 2023 shall have the meanings respectively assigned to them in that Act and Sanhita:

Provided that any reference in this Sanhita to the Bharatiya Nagarik Suraksha Sanhita, 2023, shall be construed as a reference to the Bharatiya Nagarik Suraksha (Second) Sanhita, 2023.

Simplified Acts

(25) "omission" means not doing something, whether it's one instance or many instances of not doing something.

(26) "person" includes any company, association, or group of people, whether they are officially registered or not.

(27) "public" includes any group of people or community.

(28) "public servant" means a person who fits any of the following descriptions:

(a) every commissioned officer in the Army, Navy, or Air Force;

(b) every Judge, including anyone authorized by law to perform judicial functions, either alone or as part of a group;

(c) every officer of a Court, like a liquidator, receiver, or commissioner, whose job is to investigate, report, manage documents, handle property, execute judicial processes, administer oaths, interpret, or maintain order in the Court, and anyone specially authorized by a Court to do these tasks;

(d) every assessor or member of a panchayat helping a Court or public servant;

(e) every arbitrator or person to whom a case has been referred for decision or report by any Court or public authority;

(f) every person who holds a position that allows them to confine someone;

(g) every government officer whose job is to prevent crimes, report crimes, bring criminals to justice, or protect public health, safety, or convenience;

(h) every government officer whose job is to manage government property, conduct surveys, make contracts, execute revenue processes, investigate or report on matters affecting government finances, or manage documents related to government finances;

(i) every officer whose job is to manage property, conduct surveys, levy taxes for public purposes, or manage documents for the rights of people in a village, town, or district;

(j) every person who holds a position that allows them to prepare, publish, maintain, or revise an electoral roll or conduct an election;

(k) every person:

(i) in the service or pay of the Government or paid by fees or commission for performing public duties for the Government;

(ii) in the service or pay of a local authority, a corporation established by law, or a government company.

Explanation:

(a) People fitting any of these descriptions are public servants, whether appointed by the Government or not;

(b) Anyone who is actually doing the job of a public servant is considered a public servant, even if there is a legal issue with their appointment;

(c) "election" means an election to choose members of any legislative, municipal, or other public authority, by any method defined by law.

Example:

A Municipal Commissioner is a public servant.

(29) "reason to believe" means a person has enough cause to believe something, but not otherwise.

(30) "special law" means a law that applies to a specific subject.

(31) "valuable security" means a document that creates, extends, transfers, restricts, ends, or releases a legal right, or acknowledges a legal liability or right.

Example:

A signs the back of a bill of exchange. This endorsement transfers the right to the bill to anyone who legally holds it, making the endorsement a "valuable security."

(32) "vessel" means anything made to transport people or property by water.

(33) "voluntarily" means a person causes an effect intentionally or by means they knew or had reason to believe would likely cause it.

Example:

A sets fire to a house at night to facilitate a robbery and causes someone's death. Even if A didn't intend to cause death and regrets it, if A knew it was likely to cause death, A caused the death voluntarily.

(34) "will" means any document that states someone's wishes for after their death.

(35) "woman" means a female human being of any age.

(36) "wrongful gain" means gaining property by illegal means that the person is not legally entitled to.

(37) "wrongful loss" means losing property by illegal means that the person is legally entitled to.

(38) "gaining wrongfully" and "losing wrongfully" mean:

A person gains wrongfully when they keep or acquire property illegally.

A person loses wrongfully when they are kept out of or deprived of property illegally.

(39) Words and expressions used but not defined in this Act but defined in the Information Technology Act, 2000, and the Bharatiya Nagarik Suraksha Sanhita, 2023, will have the meanings given to them in those Acts:

Provided that any reference in this Act to the Bharatiya Nagarik Suraksha Sanhita, 2023, shall be understood as a reference to the Bharatiya Nagarik Suraksha (Second) Sanhita, 2023.

Explanation using Example

Example 1:

Scenario: A Municipal Commissioner is accused of accepting a bribe to approve a construction project.

Application of the Act:

According to Section 2(28)(j), a Municipal Commissioner is considered a public servant.

As a public servant, the Municipal Commissioner is subject to laws that prevent corruption and bribery.

If found guilty, the Municipal Commissioner could face legal consequences under anti-corruption laws.

Example 2:

Scenario: A company director signs a contract transferring ownership of company assets to another entity.

Application of the Act:

According to Section 2(26), the term "person" includes any company or association.

The signed contract is a "valuable security" as defined in Section 2(31) because it creates a legal right to transfer ownership.

If the transfer is done unlawfully, it could result in "wrongful loss" to the company and "wrongful gain" to the other entity as per Sections 2(36) and 2(37).

Example 3:

Scenario: An Army officer is tasked with preventing illegal logging in a protected forest area.

Application of the Act:

According to Section 2(28)(a), the Army officer is a public servant.

The officer's duty to prevent illegal activities falls under Section 2(28)(g), which includes preventing offenses and protecting public resources.

Failure to perform this duty could result in legal action against the officer for dereliction of duty.

Example 4:

Scenario: A judge is appointed to resolve a property dispute between two parties.

Application of the Act:

According to Section 2(28)(b), the judge is a public servant.

The judge's role in adjudicating the dispute is covered under Section 2(28)(b) and (e), which include persons empowered to discharge adjudicatory functions and arbitrators.

Any bias or misconduct by the judge could lead to legal consequences under judicial conduct regulations.

Example 5:

Scenario: A person sets fire to a warehouse to claim insurance money but unintentionally causes the death of a security guard.

Application of the Act:

According to Section 2(33), the person caused the effect "voluntarily" if they knew their actions were likely to cause such an effect.

Even if the person did not intend to cause death, they are still responsible for the death because they knew the fire could lead to such an outcome.

The person could face charges for causing death voluntarily under relevant criminal laws.

Example 6:

Scenario: A village headman is responsible for maintaining land records and collecting taxes.

Application of the Act:

According to Section 2(28)(i), the village headman is a public servant.

The headman's duties include keeping documents and levying taxes, which are covered under Section 2(28)(i).

Any misuse of power or misappropriation of funds by the headman could result in legal action for breach of duty.

Example 7:

Scenario: A person endorses a cheque by signing on its back, transferring the right to the cheque to another person.

Application of the Act:

According to Section 2(31), the endorsement of the cheque is a "valuable security."

The endorsement transfers the legal right to the cheque to the new holder.

If the endorsement is done fraudulently, it could lead to legal consequences for forgery or fraud.

Example 8:

Scenario: A software company is accused of data theft under the Information Technology Act, 2000.

Application of the Act:

According to Section 2(39), terms not defined in the Bharatiya Nyaya Sanhita but defined in the Information Technology Act, 2000, will have the same meanings.

The definitions and provisions of the Information Technology Act, 2000, will apply to the case.

The company could face penalties under the Information Technology Act for data theft.

Example 9:

Scenario: A person is found in possession of a fake property deed.

Application of the Act:

According to Section 2(31), a property deed is a "valuable security" as it creates a legal right.

Possession of a fake deed could result in charges of forgery and fraud.

The person could face legal consequences for attempting to create or transfer a false legal right.

Example 10:

Scenario: A government officer is responsible for conducting a local election.

Application of the Act:

According to Section 2(28)(j), the officer conducting the election is a public servant.

The officer's duties include preparing and maintaining electoral rolls and ensuring the election is conducted fairly.

Any misconduct or tampering with the election process could lead to legal action for violating election laws.

Section 3: General explanations.

(1) Throughout this Sanhita every definition of an offence, every penal provision, and every Illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled "General Exceptions", though those exceptions are not repeated in such definition, penal provision, or Illustration.

Illustrations

(a) The sections in this Sanhita, which contain definitions of offences, do not express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(b) A, a police officer, without warrant, apprehends Z, who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it".

(2) Every expression which is explained in any Part of this Sanhita, is used in every Part of this Sanhita in conformity with the explanation.

(3) When property is in the possession of a person's spouse, clerk or servant, on account of that person, it is in that person's possession within the meaning of this Sanhita.

Explanation. - A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this sub-section.

(4) In every Part of this Sanhita, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

(5) When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

(6) Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

(7) Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

Illustration

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

(8) When an offence is committed by means of several acts, whoever intentionally cooperates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.

Illustrations

(a) A and B agree to murder Z by severally and at different times giving him small doses of poison. A and B administer the poison according to the agreement with intent to murder Z. Z dies from the effects of the several doses of poison so administered to him. Here A and B intentionally cooperate in the commission of murder and as each of them does an act by which the death is caused, they are both guilty of the offence though their acts are separate.

(b) A and B are joint jailors, and as such have the charge of Z, a prisoner, alternatively for six hours at a time. A and B, intending to cause Z's death, knowingly cooperate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

(c) A, a jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or cooperation with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder, but, as A did not cooperate with B, A is guilty only of an attempt to commit murder.

(9) Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that act.

Illustration

A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide not amounting to murder. B, having ill-will towards Z and intending to kill him, and not having been subject to the provocation, assists A in killing Z. Here, though A and B are both engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

Simplified Acts

(1) In this law, every definition of a crime, every punishment rule, and every example should be understood with the general exceptions in mind, even if those exceptions are not mentioned again in each case.

Examples

(a) The sections that define crimes do not say that a child under seven cannot commit these crimes, but it is understood that a child under seven cannot be guilty of a crime.

(b) A police officer, A, arrests Z without a warrant for committing murder. A is not guilty of wrongful confinement because he is required by law to arrest Z, so this falls under the general exceptions.

(2) Every term explained in any part of this law is used the same way throughout the entire law.

(3) If property is held by someone's spouse, clerk, or servant on behalf of that person, it is considered to be in that person's possession.

Explanation. A person temporarily working as a clerk or servant is considered a clerk or servant under this rule.

(4) In this law, unless it clearly says otherwise, words referring to actions also include failures to act when required.

(5) If several people commit a crime together with a shared intention, each person is responsible for the crime as if they did it alone.

(6) If a crime requires criminal knowledge or intention and is committed by several people, each person who participated with that knowledge or intention is responsible for the crime as if they did it alone.

(7) If causing a certain result or attempting to cause it by action or inaction is a crime, then causing that result partly by action and partly by inaction is the same crime.

Example

A causes Z's death by both not giving Z food and by beating Z. A has committed murder.

(8) If a crime is committed through multiple actions, anyone who intentionally helps in any part of those actions, alone or with others, is guilty of the crime.

Examples

(a) A and B agree to murder Z by giving him small doses of poison at different times. They do so, and Z dies from the poison. A and B are both guilty of murder.

(b) A and B are jailors in charge of Z, a prisoner, and each does not give Z food during their shifts with the intent to cause Z's death. Z dies of hunger. Both A and B are guilty of murder.

(c) A, a jailor, does not give Z, a prisoner, food intending to cause Z's death, weakening Z but not killing him. A is replaced by B, who also does not give Z food, knowing it might kill Z. Z dies of hunger. B is guilty of murder, but A is only guilty of attempted murder since there was no cooperation.

(9) When multiple people are involved in a crime, they may be guilty of different crimes depending on their actions and intentions.

Example

A kills Z under severe provocation, which would be considered manslaughter. B, who hates Z and intends to kill him, helps A without being provoked. B is guilty of murder, while A is guilty of manslaughter.

Explanation using Example

Example 1:

Scenario: A 6-year-old child accidentally breaks a neighbor's window while playing cricket.

Application: According to Section 3(1) of The Bharatiya Nyaya Sanhita 2023, the child cannot be held criminally responsible for the act because the general exceptions include that a child under seven years of age cannot commit an offence. Therefore, the child's action of breaking the window is not considered an offence under this Sanhita.

Example 2:

Scenario: A police officer, Officer Raj, without a warrant, apprehends Ravi, who has just committed a robbery.

Application: According to Section 3(1) of The Bharatiya Nyaya Sanhita 2023, Officer Raj is not guilty of wrongful confinement because he is bound by law to apprehend Ravi, who has committed a crime. This falls under the general

exception that actions performed by a person who is bound by law to do so are not considered offences.

Example 3:

Scenario: Sunita, a shop owner, has her shop managed by her husband, Ramesh, while she is away.

Application: According to Section 3(3) of The Bharatiya Nyaya Sanhita 2023, the property (shop) is considered to be in Sunita's possession even though it is physically managed by her husband, Ramesh. This is because the property is in the possession of her spouse on account of her.

Example 4:

Scenario: A group of friends, Amit, Bharat, and Chetan, plan to steal a car. Amit breaks the car window, Bharat disables the alarm, and Chetan drives the car away.

Application: According to Section 3(5) of The Bharatiya Nyaya Sanhita 2023, all three friends are equally liable for the theft of the car because the criminal act was done in furtherance of their common intention. Each of them is liable for the act as if they had done it alone.

Example 5:

Scenario: Priya and Neha agree to poison their colleague, Rohan, by adding small doses of poison to his food over several days. Rohan dies as a result.

Application: According to Section 3(8) of The Bharatiya Nyaya Sanhita 2023, both Priya and Neha are guilty of murder because they intentionally cooperated in the commission of the offence by administering poison according to their agreement. Each of their acts contributed to Rohan's death, making them both guilty of the offence.

Example 6:

Scenario: A jailor, Suresh, intentionally omits to provide food to a prisoner, Vikram, intending to cause his death. Vikram becomes very weak but does not die. Suresh is replaced by another jailor, Ramesh, who also omits to provide food to Vikram, knowing it could cause his death. Vikram eventually dies of hunger.

Application: According to Section 3(8) of The Bharatiya Nyaya Sanhita 2023, Ramesh is guilty of murder because his omission to provide food led to Vikram's death. Suresh, who did not cooperate with Ramesh, is guilty of an attempt to commit murder because his actions contributed to Vikram's weakened state but did not directly cause his death.

Example 7:

Scenario: During a heated argument, Anil attacks Raj with a knife under grave provocation. Suresh, who has a personal grudge against Raj, joins Anil in the attack with the intention to kill Raj. Raj dies from the injuries.

Application: According to Section 3(9) of The Bharatiya Nyaya Sanhita 2023, Anil is guilty of culpable homicide not amounting to murder due to the grave provocation. Suresh, who was not provoked and had the intention to kill, is guilty of murder. Although both were involved in causing Raj's death, they are guilty of different offences.

CHAPTER II: OF PUNISHMENTS

Section 4: Punishments

Offender Punishments under the Provisions of this Sanhita

The punishments to which offenders are liable under the provisions of this Sanhita are:

- (a) Death;
- (b) Imprisonment for life;
- (c) Imprisonment, which is of two descriptions, namely:
 - (1) Rigorous, that is, with hard labour;
 - (2) Simple;
- (d) Forfeiture of property;
- (e) Fine;
- (f) Community Service.

Simplified Acts

Punishments for Offenders under this Law

The punishments that can be given to offenders under this law are:

- (a) Death;
- (b) Life in prison;
- (c) Prison time, which can be of two types:
 - (1) Hard labor;
 - (2) Simple imprisonment;
- (d) Taking away property;
- (e) Paying a fine;
- (f) Community service.

Explanation using Example

Example 1:

Scenario: Rajesh is convicted of a heinous crime such as premeditated murder.

Application of the Act:

Under Section 4(a) of The Bharatiya Nyaya Sanhita 2023, Rajesh could be sentenced to death due to the severity of his crime.

Alternatively, under Section 4(b), he could be sentenced to imprisonment for life if the court decides against the death penalty.

Example 2:

Scenario: Priya is found guilty of embezzling a large sum of money from her employer.

Application of the Act:

Under Section 4(c)(1), Priya could be sentenced to rigorous imprisonment with hard labour for a specified number of years.

Additionally, under Section 4(d), the court may order the forfeiture of Priya's property to recover the embezzled amount.

Under Section 4(e), Priya could also be fined a substantial amount as part of her punishment.

Example 3:

Scenario: Arjun is convicted of a minor offense such as public nuisance.

Application of the Act:

Under Section 4(c)(2), Arjun could be sentenced to simple imprisonment for a short duration.

Alternatively, under Section 4(f), the court may order Arjun to perform community service for a specified period as a form of punishment.

Example 4:

Scenario: Meera is found guilty of tax evasion.

Application of the Act:

Under Section 4(e), Meera could be fined a significant amount based on the evaded tax.

Additionally, under Section 4(d), the court may order the forfeiture of Meera's property to recover the evaded tax amount.

Example 5:

Scenario: Vikram is convicted of assault causing serious injury.

Application of the Act:

Under Section 4(c)(1), Vikram could be sentenced to rigorous imprisonment with hard labour for a specified number of years.

Under Section 4(e), Vikram could also be fined an amount to compensate the victim for medical expenses and other damages.

Section 5: Commutation of sentence.

The appropriate Government may, without the consent of the offender, commute any punishment under this Sanhita to any other punishment in accordance with section 474 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Explanation

For the purposes of this section the expression "appropriate Government" means, --

(a) in cases where the sentence is a sentence of death or is for an offence against any law relating to a matter to which the executive power of the Union extends, the Central Government; and

(b) in cases where the sentence (whether of death or not) is for an offence against any law relating to a matter to which the executive power of the State extends, the Government of the State within which the offender is sentenced.

Simplified Acts

The government in charge can change a person's punishment to a different one without needing the person's permission, as long as it follows section 474 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Explanation

For this section, "appropriate Government" means:

(a) If the punishment is a death sentence or for a crime related to something the Central Government is responsible for, then it means the Central Government.

(b) If the punishment (whether it's a death sentence or not) is for a crime related to something the State Government is responsible for, then it means the State Government where the person was sentenced.

Explanation using Example

Example 1:

Ravi was convicted of a serious crime and sentenced to life imprisonment by a court in Maharashtra. After serving 10 years of his sentence, the State Government of Maharashtra decided to commute his life imprisonment to 20 years of rigorous imprisonment due to his good behavior and rehabilitation efforts. Ravi did not have to consent to this change in his punishment; the decision was made solely by the State Government under Section 5 of the Bharatiya Nyaya Sanhita 2023.

Example 2:

Anita was sentenced to death for a crime that falls under the jurisdiction of the Central Government, such as a terrorist act. After a review, the President of India, representing the Central Government, decided to commute her death sentence to life imprisonment. This decision was made without Anita's consent,

as allowed under Section 5 of the Bharatiya Nyaya Sanhita 2023, in conjunction with Section 474 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Section 6: Fractions of terms of punishment.

In calculating fractions of terms of punishment, imprisonment for life shall be reckoned as equivalent to imprisonment for twenty years unless otherwise provided.

Simplified Acts

When figuring out parts of a prison sentence, a life sentence will be considered the same as a 20-year sentence unless stated differently.

Explanation using Example

Example 1:

Scenario: Rajesh is convicted of a crime and sentenced to life imprisonment. However, due to his good behavior, the court decides to consider a reduction in his sentence.

Application: According to Section 6 of The Bharatiya Nyaya Sanhita 2023, life imprisonment is considered equivalent to 20 years. Therefore, if the court decides to reduce Rajesh's sentence by half due to his good behavior, he would serve 10 years instead of life imprisonment.

Example 2:

Scenario: Priya is sentenced to life imprisonment for a serious offense. After serving 15 years, she applies for parole.

Application: Under Section 6 of The Bharatiya Nyaya Sanhita 2023, life imprisonment is treated as 20 years. Therefore, when considering her parole application, the authorities will evaluate her case based on the fact that she has served 15 out of the 20 years. This means she has completed 75% of her sentence, which may be a significant factor in the parole decision.

Section 7: Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple.

In every case in which an offender is punishable with imprisonment which may be of either description, it shall be competent to the Court which sentences

such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

Simplified Acts

If someone is found guilty and can be punished with either type of imprisonment (strict or simple), the Court has the authority to decide the nature of the imprisonment.

The Court can choose to make the entire imprisonment strict (rigorous), or make the entire imprisonment simple, or make part of the imprisonment strict and the rest simple.

Explanation using Example

Example 1:

Ravi was convicted of theft under the Bharatiya Nyaya Sanhita 2023. The court had the option to sentence him to either rigorous imprisonment (which involves hard labor) or simple imprisonment (which does not involve hard labor). Considering Ravi's age and health condition, the court decided to sentence him to 6 months of imprisonment, with the first 3 months being rigorous and the remaining 3 months being simple. This means Ravi will have to perform hard labor for the first half of his sentence and will not be required to do so for the second half.

Example 2:

Sita was found guilty of fraud and was sentenced under the Bharatiya Nyaya Sanhita 2023. The court had the discretion to decide the nature of her imprisonment. Given the severity of her crime and her previous criminal record, the court decided to impose a wholly rigorous imprisonment for a period of 2 years. This means Sita will have to engage in hard labor for the entire duration of her imprisonment.

Section 8: Amount of fine, liability in default of payment of fine, etc.

Legal Provisions on Fines and Imprisonment

(1) Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive.

(2) In every case of an offence--

(a) punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment;

(b) punishable with imprisonment or fine, or with fine only, in which the offender is sentenced to a fine,

it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, in which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence.

(3) The term for which the Court directs the offender to be imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

(4) The imprisonment which the Court imposes in default of payment of a fine or in default of community service may be of any description to which the offender might have been sentenced for the offence.

(5) If the offence is punishable with fine or community service, the imprisonment which the Court imposes in default of payment of the fine or in default of community service shall be simple, and the term for which the Court directs the offender to be imprisoned, in default of payment of fine or in default of community service, shall not exceed, -

(a) two months when the amount of the fine does not exceed five thousand rupees;

(b) four months when the amount of the fine does not exceed ten thousand rupees; and

(c) one year in any other case.

(6)

(a) The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law;

(b) If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Illustration:

A is sentenced to a fine of one thousand rupees and to four months' imprisonment in default of payment. Here, if seven hundred and fifty rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seven hundred and fifty rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If five hundred rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be discharged as soon as the two months are completed. If five hundred rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

(7) The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.

Simplified Acts

Legal Provisions on Fines and Imprisonment

(1) If a law doesn't specify a maximum amount for a fine, the fine can be any amount, but it shouldn't be too high.

(2) In every case where someone is found guilty of an offense:

(a) If the offense can be punished with both jail time and a fine, and the person is given a fine (with or without jail time);

(b) If the offense can be punished with either jail time or a fine, or just a fine, and the person is given a fine,

the Court can decide that if the person doesn't pay the fine, they will go to jail for a certain period. This jail time will be in addition to any other jail time they might have been given or could get if their sentence is changed.

(3) The extra jail time for not paying a fine can't be more than one-fourth of the maximum jail time for the offense if the offense can be punished with both jail time and a fine.

(4) The type of jail time for not paying a fine or not doing community service can be any type that the person could have originally been sentenced to for the offense.

(5) If the offense can be punished with a fine or community service, the jail time for not paying the fine or not doing the community service will be simple jail time. The length of this jail time can't be more than:

(a) Two months if the fine is up to five thousand rupees;

(b) Four months if the fine is up to ten thousand rupees; and

(c) One year in any other case.

(6)

(a) The jail time for not paying a fine will end if the fine is paid or collected by law.

(b) If part of the fine is paid or collected before the jail time ends, and the time already spent in jail is at least equal to the unpaid part of the fine, the jail time will end.

Example:

A is fined one thousand rupees and given four months in jail if they don't pay. If A pays or the law collects seven hundred and fifty rupees before one month of jail is over, A will be released after one month. If A pays or the law collects seven hundred and fifty rupees at the end of the first month or later, A will be released immediately. If A pays or the law collects five hundred rupees before two months of jail are over, A will be released after two months. If A pays or the law collects five hundred rupees at the end of the two months or later, A will be released immediately.

(7) The fine, or any part of it that isn't paid, can be collected anytime within six years after the sentence. If the person could be jailed for more than six years, the fine can be collected anytime before the end of that period. The person's death doesn't cancel the fine; their property can still be used to pay it, just like any other debt.

Explanation using Example

Example 1:

Scenario: Raj is convicted of theft and is sentenced to a fine of ₹10,000 and six months of imprisonment in default of payment.

Application:

Raj is required to pay a fine of ₹10,000.

If Raj fails to pay the fine, he will have to serve an additional six months in prison.

If Raj pays ₹5,000 (half of the fine) before the expiration of three months of imprisonment, he will be released after serving three months.

If Raj pays ₹7,500 (three-fourths of the fine) before the expiration of one and a half months of imprisonment, he will be released after serving one and a half months.

Example 2:

Scenario: Priya is convicted of a minor traffic violation and is sentenced to a fine of ₹3,000. The court also states that in default of payment, Priya will serve two months of simple imprisonment.

Application:

Priya is required to pay a fine of ₹3,000.

If Priya fails to pay the fine, she will have to serve two months of simple imprisonment.

If Priya pays ₹1,500 (half of the fine) before the expiration of one month of imprisonment, she will be released after serving one month.

If Priya pays ₹2,000 (two-thirds of the fine) before the expiration of one and a half months of imprisonment, she will be released after serving one and a half months.

Example 3:

Scenario: Suresh is convicted of public nuisance and is sentenced to community service for 30 days or a fine of ₹5,000. The court states that in default of payment or community service, Suresh will serve two months of simple imprisonment.

Application:

Suresh has the option to either complete 30 days of community service or pay a fine of ₹5,000.

If Suresh fails to complete the community service or pay the fine, he will have to serve two months of simple imprisonment.

If Suresh completes 15 days of community service and pays ₹2,500 (half of the fine), he will be released after serving one month of imprisonment.

If Suresh completes 20 days of community service and pays ₹1,000 (one-fifth of the fine), he will be released after serving 20 days of imprisonment.

Example 4:

Scenario: Anil is convicted of fraud and is sentenced to a fine of ₹20,000 and one year of imprisonment in default of payment.

Application:

Anil is required to pay a fine of ₹20,000.

If Anil fails to pay the fine, he will have to serve an additional one year in prison.

If Anil pays ₹10,000 (half of the fine) before the expiration of six months of imprisonment, he will be released after serving six months.

If Anil pays ₹15,000 (three-fourths of the fine) before the expiration of three months of imprisonment, he will be released after serving three months.

The fine or any part thereof which remains unpaid can be levied at any time within six years after the passing of the sentence.

If Anil dies, his property remains liable for the unpaid fine, similar to how it would be liable for his debts.

Section 9: Limit of punishment of offence made up of several offences.

Legal Provisions

(1) Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the punishment of more than one of such his offences, unless it be so expressly provided.

(2) Where -

(a) anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished; or

(b) several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence,

the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences.

Illustrations

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating.

(b) But, if, while A is beating Z, Y interferes, and A intentionally strikes Y, here, as the blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

Simplified Acts

(1) If a crime is made up of several parts, and each part is also a crime on its own, the person who committed the crime will not be punished separately for each part unless the law specifically says so.

(2) If:

(a) an action is considered a crime under two or more different laws; or

(b) several actions together make up a different crime,

the person will not receive a harsher punishment than what the court could give for any one of those crimes.

Illustrations

(a) A hits Z fifty times with a stick. A might have committed the crime of hurting Z by the entire beating and also by each individual hit. If A were punished for each hit, he could be jailed for fifty years, one year for each hit. But A will only be punished once for the entire beating.

(b) If, while A is hitting Z, Y tries to stop A, and A intentionally hits Y, A will be punished separately for hurting Z and for hitting Y because hitting Y is not part of the act of hurting Z.

Explanation using Example

Example 1:

Rahul is involved in a street fight where he punches Ramesh multiple times, causing injuries. Each punch could be considered an individual act of causing hurt. However, under Section 9 of the Bharatiya Nyaya Sanhita 2023, Rahul will not be punished separately for each punch. Instead, he will receive one punishment for the entire act of causing hurt to Ramesh.

Example 2:

Seema hacks into a company's computer system and steals sensitive data. This act could fall under multiple offences such as unauthorized access to a computer system and theft of data. According to Section 9, Seema will not receive separate punishments for each offence. She will be punished based on the most severe offence, which in this case could be theft of data, as per the court's discretion.

Section 10: Punishment of person guilty of one of several offences, judgment stating that it is doubtful of which.

In all cases in which judgment is given that a person is guilty of one of several offences specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided if the same punishment is not provided for all.

Simplified Acts

If a court decides that someone is guilty but it's unclear which specific crime they committed out of several possible ones mentioned in the judgment, the person will be punished for the crime with the least severe penalty, unless all the crimes have the same punishment.

Explanation using Example

Example 1:

Ravi is accused of theft and house trespass. The court finds evidence that Ravi committed one of these offences but is unsure whether he committed theft or house trespass. Theft carries a minimum punishment of 3 years imprisonment, while house trespass carries a minimum punishment of 1 year imprisonment. Since the court is doubtful about which specific offence Ravi committed, he will be punished for house trespass, the offence with the lower minimum punishment.

Example 2:

Sita is charged with both cheating and forgery. The court concludes that Sita is guilty of one of these offences but cannot determine which one. Cheating has a minimum punishment of 2 years imprisonment, and forgery has a minimum punishment of 5 years imprisonment. Given the doubt, Sita will be punished for cheating, the offence with the lower minimum punishment.

Section 11: Solitary confinement.

Whenever any person is convicted of an offence for which under this Sanhita the Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, namely:

- (a) a time not exceeding one month if the term of imprisonment shall not exceed six months;
- (b) a time not exceeding two months if the term of imprisonment shall exceed six months and shall not exceed one year;
- (c) a time not exceeding three months if the term of imprisonment shall exceed one year.

Simplified Acts

Whenever someone is found guilty of a crime and the Court has the authority to give them a sentence of hard labor, the Court can also decide to keep the person in solitary confinement for part of their prison time. However, this solitary confinement cannot be more than three months in total. The duration of solitary confinement depends on the length of the prison sentence, as follows:

(a) Up to one month of solitary confinement if the prison sentence is six months or less;

(b) Up to two months of solitary confinement if the prison sentence is more than six months but not more than one year;

(c) Up to three months of solitary confinement if the prison sentence is more than one year.

Explanation using Example

Example 1:

Scenario: Rajesh is convicted of theft and sentenced to six months of rigorous imprisonment.

Application of Section 11: The court has the discretion to order solitary confinement for Rajesh. Since his imprisonment term does not exceed six months, the court can order solitary confinement for a period not exceeding one month.

Outcome: The court sentences Rajesh to six months of rigorous imprisonment and orders that he be kept in solitary confinement for 15 days during his imprisonment.

Example 2:

Scenario: Priya is convicted of fraud and sentenced to 18 months of rigorous imprisonment.

Application of Section 11: The court has the discretion to order solitary confinement for Priya. Since her imprisonment term exceeds one year, the court can order solitary confinement for a period not exceeding three months.

Outcome: The court sentences Priya to 18 months of rigorous imprisonment and orders that she be kept in solitary confinement for two months during her imprisonment.

Example 3:

Scenario: Anil is convicted of assault and sentenced to nine months of rigorous imprisonment.

Application of Section 11: The court has the discretion to order solitary confinement for Anil. Since his imprisonment term exceeds six months but

does not exceed one year, the court can order solitary confinement for a period not exceeding two months.

Outcome: The court sentences Anil to nine months of rigorous imprisonment and orders that he be kept in solitary confinement for one month during his imprisonment.

Section 12: Limit of solitary confinement.

In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

Simplified Acts

When someone is sentenced to solitary confinement, they cannot be kept alone for more than 14 days in a row. After each period of solitary confinement, there must be a break that is at least as long as the time they spent in solitary.

If the total prison sentence is more than three months, the person can only be put in solitary confinement for up to 7 days in any one month. Again, there must be a break after each period of solitary confinement that is at least as long as the time they spent in solitary.

Explanation using Example

Example 1:

Ravi was convicted of a serious crime and sentenced to six months in prison. As part of his punishment, the court decided to include solitary confinement. According to Section 12 of The Bharatiya Nyaya Sanhita 2023, Ravi can be placed in solitary confinement for a maximum of seven days in any one month. After each seven-day period, he must be given at least seven days out of solitary confinement before he can be placed back in. This ensures that Ravi is not subjected to prolonged periods of isolation, which could be detrimental to his mental health.

Example 2:

Sita was sentenced to two months in prison for a crime. The court included solitary confinement as part of her punishment. According to Section 12, Sita can be placed in solitary confinement for up to fourteen days at a time. However, after each fourteen-day period, she must be given at least fourteen days out of solitary confinement before she can be placed back in. This means that during her two-month sentence, Sita can only be placed in solitary confinement once, with the rest of her time spent in the general prison population.

Section 13: Enhanced punishment for certain offences after previous conviction.

Whoever, having been convicted by a Court in India, of an offence punishable under Chapter X or Chapter XVII of this Sanhita with imprisonment of either description for a term of three years or upwards, shall be guilty of any offence punishable under either of those Chapters with like imprisonment for the like term, shall be subject for every such subsequent offence to imprisonment for life, or to imprisonment of either description for a term which may extend to ten years.

Simplified Acts

If someone has been found guilty by an Indian court of a crime that falls under Chapter X or Chapter XVII of this law and was sentenced to at least three years in prison, and

If that person commits another crime under either of those Chapters and is sentenced to a similar prison term,

Then, for every such repeat offense, the person can be sentenced to life in prison or up to ten years in prison.

Explanation using Example

Example 1:

Ravi was convicted in 2018 for committing a serious fraud under Chapter XVII of the Bharatiya Nyaya Sanhita 2023, and he was sentenced to 4 years in prison. After serving his sentence and being released, Ravi was again found guilty in 2022 for committing another fraud under the same Chapter XVII. Due to his previous conviction and the nature of the repeated offence, Ravi is now subject to enhanced punishment. Instead of the standard sentence for the

second fraud, Ravi could face imprisonment for life or a term extending up to ten years.

Example 2:

Sunita was convicted in 2015 for bribery, an offence under Chapter X of the Bharatiya Nyaya Sanhita 2023, and she was sentenced to 5 years in prison. After completing her sentence, Sunita was again caught and convicted in 2021 for another bribery offence under the same Chapter X. Given her prior conviction and the repeated nature of the offence, Sunita is now liable for a harsher punishment. Instead of the usual sentence for the second bribery offence, she could be sentenced to life imprisonment or a term extending up to ten years.

CHAPTER III: GENERAL EXCEPTIONS

Section 14: Act done by a person bound, or by mistake of fact believing himself bound, by law.

Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it.

Illustrations

(a) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence.

(b) A, an officer of a Court, being ordered by that Court to arrest Y, and, after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

Simplified Acts

Nothing is a crime if a person does it because they genuinely believe, due to a mistake about the facts (and not a mistake about the law), that they are required by law to do it.

Examples

(a) A soldier, A, fires at a crowd because his commanding officer ordered him to, following the law. A has not committed a crime.

(b) A court officer, A, is ordered by the court to arrest Y. After careful checking, A mistakenly believes Z is Y and arrests Z. A has not committed a crime.

Explanation using Example

Example 1:

Ravi is a police officer who receives an order from his superior to disperse a violent crowd that is causing a public disturbance. Following the order, Ravi uses tear gas to disperse the crowd. Later, some members of the crowd file a complaint against Ravi for using excessive force. However, since Ravi was acting under the orders of his superior and in accordance with the law to maintain public order, he has committed no offence under Section 14 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Meena is a tax officer who receives a court order to seize the property of Mr. Sharma for failing to pay his taxes. Meena, after verifying the address, mistakenly seizes the property of Mr. Verma, believing it to be Mr. Sharma's property. Mr. Verma files a complaint against Meena for wrongful seizure. However, since Meena acted in good faith and under the belief that she was bound by law to seize the property, she has committed no offence under Section 14 of The Bharatiya Nyaya Sanhita 2023.

Section 15: Act of Judge when acting judicially.

Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

Simplified Acts

Nothing is a crime if a Judge does it while performing their official duties, as long as they are using a power that the law gives them or they honestly believe the law gives them.

Explanation using Example

Example 1:

Judge Sharma is presiding over a criminal trial in a district court. During the trial, he makes a decision to admit certain evidence that the defense argues is inadmissible. Judge Sharma believes in good faith that the law allows him to admit this evidence. Later, it is found that the evidence should not have been admitted according to a higher court's interpretation of the law. Despite this

error, Judge Sharma is not held criminally liable for his decision because he was acting judicially and believed he was exercising his lawful powers.

Example 2:

Judge Mehta is handling a civil dispute over property ownership. Based on the evidence presented, she issues a judgment in favor of one party, believing that the law supports her decision. The losing party feels the judgment is unfair and files a complaint alleging that Judge Mehta acted improperly. However, since Judge Mehta made her decision while acting in her judicial capacity and believed she was following the law, she is protected under Section 15 of The Bharatiya Nyaya Sanhita 2023 and cannot be prosecuted for her judicial actions.

Section 16: Act done pursuant to judgment or order of Court.

Nothing which is done in pursuance of, or which is warranted by the judgment or order of, a Court; if done whilst such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.

Simplified Acts

If you do something because a court told you to do it, or because a court's decision allows you to do it, it is not a crime.

This is true even if the court did not actually have the power to make that decision.

However, you must genuinely believe that the court had the power to make that decision when you did the act.

Explanation using Example

Example 1:

Ravi is a police officer who receives a court order to seize certain property from a business suspected of illegal activities. Ravi, acting in good faith, believes the court has the jurisdiction to issue such an order. He proceeds to seize the property as instructed. Later, it is discovered that the court did not have the proper jurisdiction to issue the order. Despite this, Ravi is not held criminally liable for his actions because he was acting pursuant to the court's order and believed in good faith that the court had the authority to issue it.

Example 2:

Meera is a government official who receives a court judgment directing her to demolish an illegally constructed building. She carries out the demolition as per the court's judgment. After the demolition, it is found that the court did not have the jurisdiction to pass such a judgment. However, Meera is not considered to have committed an offence because she acted in accordance with the court's judgment and believed in good faith that the court had the necessary jurisdiction.

Section 17: Act done by a person justified, or by mistake of fact believing himself justified, by law.

Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith, believes himself to be justified by law, in doing it.

Illustration

A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

Simplified Acts

Nothing is a crime if it is done by someone who is allowed by law to do it, or if it is done by someone who, because of a mistake about the facts (and not a mistake about the law), honestly believes they are allowed by law to do it.

Example

A sees Z doing something that looks like a murder. A, using his best judgment and acting in good faith, uses the power given by law to everyone to catch murderers in the act, and grabs Z to take him to the authorities. A has not committed a crime, even if it turns out that Z was actually defending himself.

Explanation using Example

Example 1:

Ravi is a security guard at a shopping mall. One day, he sees Ramesh running out of a store with a bag and hears the store alarm go off. Believing that Ramesh has stolen something, Ravi apprehends him and takes him to the mall's security office. Later, it is discovered that Ramesh had accidentally triggered the alarm and had not stolen anything. Since Ravi acted in good faith, believing he was justified by law to apprehend a suspected thief, he has committed no offence under Section 17 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya is a resident of a housing society. One night, she hears loud noises and sees her neighbor, Suresh, forcefully entering another neighbor's house. Priya, thinking that Suresh is a burglar, calls the police and informs them about the situation. The police arrive and arrest Suresh. It is later revealed that Suresh was actually trying to help his neighbor who was having a medical emergency and had called Suresh for assistance. Priya, who acted in good faith and believed she was justified by law to report a suspected crime, has committed no offence under Section 17 of The Bharatiya Nyaya Sanhita 2023.

Section 18: Accident in doing a lawful act.

Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

Illustration

A is at work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence.

Simplified Acts

Nothing is a crime if it happens by accident or bad luck, and without any criminal intention or knowledge while doing a legal act in a legal way by legal means and with proper care and caution.

Example

A is working with a hatchet; the head comes off and kills a man who is standing nearby. If A was careful and cautious, his act is excusable and not a crime.

Explanation using Example

Example 1:

Ravi is driving his car within the speed limit on a busy street. He is following all traffic rules and paying attention to the road. Suddenly, a child runs onto the street chasing a ball. Despite Ravi's immediate attempt to stop the car, he accidentally hits the child. In this scenario, Ravi's actions are not considered an offence because he was driving lawfully, without any criminal intention, and with proper care and caution.

Example 2:

Meena is a construction worker using a hammer to fix a wooden plank at a construction site. She is wearing all the necessary safety gear and following all safety protocols. While hammering, the head of the hammer accidentally flies off and injures a co-worker standing nearby. Since Meena was performing her job lawfully, without any criminal intention, and with proper care, her actions are not considered an offence under this section.

Section 19: Act likely to cause harm, but done without criminal intent, and to prevent other harm.

Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Explanation. - It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations

(a) A, the captain of a vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat B, with twenty or thirty passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat C with only two passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he

intended to avoid was such as to excuse him in incurring the risk of running down the boat C.

(b) A, in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with the intention in good faith of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

Simplified Acts

Nothing is a crime just because someone knows it might cause harm, as long as they didn't intend to cause harm and did it in good faith to prevent or avoid other harm to people or property.

Explanation. - In such cases, it's a matter of fact whether the harm being prevented or avoided was serious and immediate enough to justify taking the risk of causing harm.

Examples

(a) A is the captain of a ship and suddenly finds himself in a situation where he must either hit a boat with 20-30 passengers or change course and risk hitting a boat with only 2 passengers. If A changes course without intending to hit the smaller boat and does so in good faith to avoid the danger to the larger boat, he is not guilty of a crime, even if he ends up hitting the smaller boat. This is true if it is found that the danger he was trying to avoid was serious enough to justify the risk.

(b) A, during a big fire, tears down houses to stop the fire from spreading. He does this with the good faith intention of saving lives or property. If it is found that the harm he was trying to prevent was serious and immediate enough to justify his actions, A is not guilty of a crime.

Explanation using Example

Example 1:

Ravi is driving his car on a busy street in Mumbai. Suddenly, a child runs onto the road chasing a ball. Ravi has two options: he can either swerve his car to the left, where there is a group of pedestrians, or he can swerve to the right, where there is a parked car. Ravi decides to swerve to the right and hits the parked car, causing damage to the vehicle. Ravi's action was done without any criminal intent and in good faith to prevent harm to the child and the

pedestrians. Under Section 19 of The Bharatiya Nyaya Sanhita 2023, Ravi is not guilty of an offence because his primary intention was to avoid greater harm.

Example 2:

During a severe storm in Chennai, a large tree is about to fall on a crowded marketplace. Priya, a municipal worker, decides to cut down a smaller tree nearby to create a barrier that will prevent the larger tree from falling directly onto the people. The smaller tree falls and damages a few parked motorcycles. Priya's action was done without any criminal intent and in good faith to prevent harm to the people in the marketplace. Under Section 19 of The Bharatiya Nyaya Sanhita 2023, Priya is not guilty of an offence because her primary intention was to avoid a more imminent and greater harm.

Section 20: Act of a child under seven years of age.

Nothing is an offence which is done by a child under seven years of age.

Section 21: Act of a child above seven and under twelve years of age of immature understanding.

Nothing is an offence which is done by a child above seven years of age and under twelve years of age, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

Simplified Acts

If a child is between seven and twelve years old and does not understand what they are doing or the consequences of their actions, then what they do is not considered a crime.

Explanation using Example

Example 1:

A 10-year-old boy, Rohan, accidentally breaks a neighbor's window while playing cricket. The neighbor wants to press charges for property damage. However, Rohan's parents argue that he did not understand the consequences of his actions. The court assesses Rohan's maturity and understanding. If the court finds that Rohan did not have sufficient maturity to understand that his actions could cause damage, he would not be held criminally responsible under Section 21 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

A 9-year-old girl, Meera, takes a toy from a store without paying for it. The store owner catches her and calls the police. Meera's parents explain that she did not understand that taking the toy without paying was wrong. The court evaluates Meera's level of understanding and maturity. If the court determines that Meera did not have the maturity to comprehend that her action was theft, she would not be considered guilty of an offense under Section 21 of The Bharatiya Nyaya Sanhita 2023.

Section 22: Act of a person of unsound mind.

Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

Simplified Acts

Nothing is a crime if it is done by someone who, at the time of doing it, is unable to understand what they are doing because of a mental illness. This means they don't know that what they are doing is wrong or against the law.

Explanation using Example

Example 1:

Ravi, a 35-year-old man, has been diagnosed with severe schizophrenia. One day, while experiencing a psychotic episode, he believes that his neighbor's house is on fire and that he must break in to save them. In reality, there is no fire, and Ravi ends up causing significant property damage. Under Section 22 of The Bharatiya Nyaya Sanhita 2023, Ravi's actions may not be considered an offence because, due to his unsoundness of mind, he was incapable of understanding the nature of his act or that it was wrong or against the law.

Example 2:

Meena, a 28-year-old woman, suffers from a severe intellectual disability that significantly impairs her cognitive functions. One day, she takes a valuable item from a store without paying for it, believing it to be a gift. When caught, it is evident that Meena does not understand the concept of purchasing or the legal implications of taking something without payment. According to Section 22 of The Bharatiya Nyaya Sanhita 2023, Meena's actions may not be

considered an offence because her unsoundness of mind made her incapable of understanding the nature of her act or that it was wrong or illegal.

Section 23: Act of a person incapable of judgment by reason of intoxication caused against his will.

Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law; provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

Simplified Acts

A person is not guilty of a crime if, at the time they committed the act, they were so drunk that they couldn't understand what they were doing or that it was wrong or illegal.

This only applies if the person was made drunk without their knowledge or against their will.

Explanation using Example

Example 1:

Ravi is at a party where someone secretly spikes his drink with a strong drug without his knowledge. Under the influence of the drug, Ravi becomes highly intoxicated and loses his ability to understand his actions. In this state, he accidentally breaks a valuable vase at the host's house. According to Section 23 of The Bharatiya Nyaya Sanhita 2023, Ravi would not be held criminally responsible for breaking the vase because he was incapable of understanding his actions due to intoxication caused against his will.

Example 2:

Meena is at a social gathering where she is forced by some acquaintances to consume a large amount of alcohol against her will. As a result, she becomes extremely intoxicated and, in her impaired state, she mistakenly enters a neighbor's house thinking it is her own and causes some damage to the property. Under Section 23 of The Bharatiya Nyaya Sanhita 2023, Meena would not be held criminally liable for the damage because her intoxication was involuntary and she was incapable of understanding the nature of her actions.

Section 24: Offence requiring a particular intent or knowledge committed by one who is intoxicated.

In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

Simplified Acts

If doing something is only a crime if you know what you're doing or intend to do it, then being drunk doesn't excuse you.

If you do something while drunk, you will be treated as if you knew what you were doing, just like if you were sober.

The only exception is if someone else made you drunk without you knowing or against your will.

Explanation using Example

Example 1:

Ravi, after consuming a significant amount of alcohol at a party, gets into an argument with his neighbor, Suresh. In a fit of rage, Ravi picks up a heavy object and throws it at Suresh, causing serious injury. Under Section 24 of the Bharatiya Nyaya Sanhita 2023, Ravi cannot claim that he did not intend to harm Suresh because he was intoxicated. The law will treat Ravi as if he had the same intent and knowledge as he would have had if he were sober, making him liable for the offence.

Example 2:

Priya, who is heavily intoxicated, mistakenly enters her neighbor's house thinking it is her own and takes some valuable items, believing they belong to her. Under Section 24 of the Bharatiya Nyaya Sanhita 2023, Priya cannot use her intoxicated state as a defense to claim she did not intend to commit theft. The law will consider her actions as if she had the same knowledge and intent as she would have had if she were not intoxicated, making her liable for theft.

Example 3:

Amit is at a bar where someone secretly spikes his drink with a drug without his knowledge. Under the influence of the drug, Amit gets into a fight and unintentionally causes serious harm to another person. In this case, under Section 24 of the Bharatiya Nyaya Sanhita 2023, Amit may not be held liable for the offence as the intoxication was administered to him without his knowledge or against his will.

Example 4:

Sunil, after drinking heavily, drives his car recklessly and hits a pedestrian, causing severe injuries. Under Section 24 of the Bharatiya Nyaya Sanhita 2023, Sunil cannot argue that he did not intend to drive recklessly because he was intoxicated. The law will treat him as if he had the same knowledge and intent as he would have had if he were sober, making him liable for the offence of reckless driving and causing injury.

Section 25: Act not intended and not known to be likely to cause death or grievous hurt, done by consent

Nothing which is not intended to cause death, or grievous hurt, and which is not known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person, above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Illustration

A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

Simplified Acts

Nothing is a crime if it is not meant to cause death or serious injury, and if the person doing it does not know it is likely to cause death or serious injury. This applies to any harm caused to a person over eighteen years old who has agreed, either directly or indirectly, to accept that harm. It also applies if the person doing it knows it might cause harm, but the person affected has agreed to take that risk.

Example

A and Z agree to fence (sword fight) for fun. By agreeing, they both accept that they might get hurt during the fencing as long as it is done fairly. If A hurts Z while fencing fairly, A has not committed a crime.

Explanation using Example

Example 1:

Rahul and Sameer, both adults, decide to participate in a friendly boxing match at their local gym. They both understand the risks involved and give their consent to participate. During the match, Rahul accidentally punches Sameer harder than intended, causing a minor injury. Since both Rahul and Sameer had consented to the activity and the harm was not intended to cause grievous hurt or death, Rahul would not be held criminally liable under Section 25 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya and Anjali, both over eighteen, agree to go rock climbing together. They are aware of the potential risks and have given their consent to face these risks. During the climb, Priya accidentally dislodges a small rock that hits Anjali, causing a minor injury. Since the activity was consensual and the harm was not intended or known to be likely to cause grievous hurt or death, Priya would not be held criminally liable under Section 25 of The Bharatiya Nyaya Sanhita 2023.

Section 26: Act not intended to cause death, done by consent in good faith for person's benefit.

Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Illustration

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under the painful complaint, but not intending to cause Z's

death, and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

Simplified Acts

Nothing is considered a crime if it is not meant to cause death, even if it does cause harm, as long as:

The person doing it believes it will help the person who gets harmed.

The person who gets harmed has agreed to it, either directly or indirectly.

Example

A surgeon, A, knows that a certain surgery might cause the death of a patient, Z, who is suffering from a painful condition. However, A does not intend to cause Z's death and believes the surgery will help Z. A performs the surgery with Z's consent. In this case, A has not committed a crime.

Explanation using Example

Example 1:

Dr. Mehta, a renowned cardiologist, informs his patient, Mr. Sharma, that a complex heart surgery is necessary to save his life. Dr. Mehta explains that while the surgery is risky and could potentially result in death, it is performed with the intention of saving Mr. Sharma's life and improving his health. Mr. Sharma, understanding the risks, consents to the surgery. Dr. Mehta performs the surgery in good faith for Mr. Sharma's benefit. Even if the surgery results in Mr. Sharma's death, Dr. Mehta has committed no offence under Section 26 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Ravi, a professional stuntman, agrees to participate in a dangerous stunt for a movie. The director, Mr. Kapoor, ensures that all safety measures are in place but acknowledges that there is still a risk of serious injury or death. Ravi, understanding the risks involved, consents to perform the stunt. During the stunt, Ravi gets injured. Since the stunt was performed with Ravi's consent and for his benefit (as part of his profession), and Mr. Kapoor acted in good faith, Mr. Kapoor has committed no offence under Section 26 of The Bharatiya Nyaya Sanhita 2023.

Section 27: Act done in good faith for benefit of child or person of unsound mind, by, or by consent of guardian.

Nothing which is done in good faith for the benefit of a person under twelve years of age, or person of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person:

Provided that this exception shall not extend to--

- (a) the intentional causing of death, or to the attempting to cause death;
- (b) the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;
- (c) the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;
- (d) the abetment of any offence, to the committing of which offence it would not extend.

Illustration

A, in good faith, for his child's benefit without his child's consent, has his child cut for the stone by a surgeon knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, in as much as his object was the cure of the child.

Simplified Acts

If someone does something in good faith for the benefit of a child under twelve years old or a person who is mentally unwell, and they have the permission (either directly or indirectly) of the guardian or person legally responsible for that child or person, it is not considered a crime even if it causes harm or is likely to cause harm to that person.

However, this rule does not apply in the following situations:

- (a) Intentionally causing death or trying to cause death;

- (b) Doing something that you know is likely to cause death, unless it is to prevent death or serious injury, or to cure a serious disease or condition;
- (c) Voluntarily causing serious injury or trying to cause serious injury, unless it is to prevent death or serious injury, or to cure a serious disease or condition;
- (d) Helping someone commit a crime that this rule does not cover.

Example

A father, in good faith and for his child's benefit, has a surgeon perform an operation on his child without the child's consent. The father knows the operation might cause the child's death but does not intend for the child to die. The father is protected by this rule because his goal was to cure the child.

Explanation using Example

Example 1:

Ravi is the father of 10-year-old Ananya, who has a severe heart condition that requires immediate surgery. The surgery is risky and could potentially cause Ananya's death, but it is necessary to save her life. Ravi consents to the surgery after discussing it with the doctors. The surgery is performed in good faith for Ananya's benefit. Even if the surgery results in Ananya's death, Ravi and the doctors are protected under Section 27 of The Bharatiya Nyaya Sanhita 2023 because the act was done in good faith for her benefit and with the guardian's consent.

Example 2:

Meera is the legal guardian of her 8-year-old nephew, Arjun, who has a severe mental illness. A psychiatrist recommends a treatment that involves a high dose of medication, which carries the risk of serious side effects, including potential harm. Meera consents to the treatment, believing it to be in Arjun's best interest. The treatment is administered in good faith for Arjun's benefit. If the treatment causes harm to Arjun, Meera and the psychiatrist are protected under Section 27 of The Bharatiya Nyaya Sanhita 2023 because the act was done in good faith for his benefit and with the guardian's consent.

Example 3:

Suresh is the guardian of his 15-year-old son, Rohan, who has been diagnosed with a severe psychiatric disorder. The doctor suggests a controversial therapy that has a high risk of causing physical harm but is believed to be the only

option to prevent Rohan from causing harm to himself or others. Suresh consents to the therapy, understanding the risks involved. The therapy is administered in good faith for Rohan's benefit. If the therapy results in grievous hurt to Rohan, Suresh and the doctor are protected under Section 27 of The Bharatiya Nyaya Sanhita 2023 because the act was done in good faith for his benefit and with the guardian's consent.

Example 4:

Lakshmi is the mother of 11-year-old Priya, who has a severe infection that requires an immediate and painful medical procedure to prevent the infection from spreading. Lakshmi consents to the procedure, knowing it will cause Priya significant pain but believing it is necessary to save her life. The procedure is performed in good faith for Priya's benefit. If the procedure causes harm to Priya, Lakshmi and the medical professionals are protected under Section 27 of The Bharatiya Nyaya Sanhita 2023 because the act was done in good faith for her benefit and with the guardian's consent.

Section 28: Consent known to be given under fear or misconception.

A consent is not such a consent as is intended by any section of this Sanhita, -
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(a) if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

(b) if the consent is given by a person who, from unsoundness of mind, or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or

(c) unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

Simplified Acts

A consent is not considered valid under this law if:

(a) The consent is given by someone who is scared of getting hurt or is mistaken about the facts, and the person doing the act knows or should know that the consent was given because of this fear or mistake; or

(b) The consent is given by someone who is mentally unstable or drunk and therefore cannot understand what they are agreeing to; or

(c) Unless stated otherwise, the consent is given by someone who is under twelve years old.

Explanation using Example

Example 1:

Ravi, a businessman, is approached by a local gangster, Arjun, who demands that Ravi sign over his property to him. Arjun threatens to harm Ravi's family if he does not comply. Out of fear for his family's safety, Ravi signs the property documents. In this case, Ravi's consent is not valid under Section 28 of the Bharatiya Nyaya Sanhita 2023 because it was given under fear of injury.

Example 2:

Meera, a young woman, is told by a con artist, Raj, that she has won a large sum of money in a lottery. Raj convinces Meera to transfer a significant amount of money to him as a "processing fee" to claim her prize. Meera, believing Raj's false statements, consents to the transfer. Here, Meera's consent is not valid under Section 28 because it was given under a misconception of fact, and Raj knew or had reason to believe that her consent was based on this misconception.

Example 3:

Suresh, who is heavily intoxicated at a party, is persuaded by his friend, Vikram, to sign a contract selling his car for a very low price. Suresh, in his intoxicated state, does not understand the nature and consequences of the contract. In this scenario, Suresh's consent is not valid under Section 28 because he was unable to understand the nature and consequence of his consent due to intoxication.

Example 4:

Anita, a 10-year-old girl, is asked by her neighbor, Mr. Sharma, to sign a document transferring the ownership of her late father's land to him. Anita, being under twelve years of age, signs the document without understanding its implications. In this case, Anita's consent is not valid under Section 28 because she is under twelve years of age.

Section 29: Exclusion of acts which are offences independently of harm caused.

The exceptions in sections 25, 26 and 27 do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Illustration

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is an offence independently of any harm which it may cause or be intended to cause to the woman. Therefore, it is not an offence "by reason of such harm"; and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

Simplified Acts

The exceptions in sections 25, 26, and 27 do not apply to actions that are crimes on their own, regardless of any harm they might cause, intend to cause, or are known to likely cause to the person giving consent or on whose behalf the consent is given.

Example

Causing a miscarriage (unless done in good faith to save the woman's life) is a crime on its own, no matter what harm it might cause or intend to cause to the woman. Therefore, it is not a crime "because of such harm"; and the woman's or her guardian's consent to the miscarriage does not make the act legal.

Explanation using Example

Example 1:

Ravi, a doctor, performs an abortion on a woman named Priya without any medical necessity, simply because Priya consents to it. Even though Priya has given her consent, Ravi's action is still considered an offence under the law because causing a miscarriage is an offence independently of any harm it may cause to Priya. The consent of Priya does not justify the act.

Example 2:

Aman, a martial arts instructor, asks his student, Rohan, to participate in a dangerous stunt that involves breaking a concrete block with his hand. Rohan consents to the stunt and ends up severely injuring his hand. Despite Rohan's consent, Aman's act is still considered an offence because causing such harm is independently an offence, regardless of the consent given by Rohan. The consent does not make the act lawful.

Section 30: Act done in good faith for benefit of a person without consent.

Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit:

Provided that this exception shall not extend to--

- (a) the intentional causing of death, or the attempting to cause death;
- (b) the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;
- (c) the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt;
- (d) the abetment of any offence, to the committing of which offence it would not extend.

Illustrations

(1) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

(2) Z is carried off by a tiger. A fires at the tiger knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's bullet gives Z a mortal wound. A has committed no offence.

(3) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is no time to apply to the

child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(4) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child from the house top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Explanation: Mere pecuniary benefit is not benefit within the meaning of sections 26, 27 and this section.

Simplified Acts

Nothing is a crime if it is done to help someone in good faith, even without that person's consent, under the following conditions:

If it is impossible for that person to give consent, or

If the person is unable to give consent and does not have a guardian or anyone legally responsible for them who can give consent in time.

However, this rule does not apply to:

- (a) Intentionally causing death or trying to cause death;
- (b) Doing something that is likely to cause death, except to prevent death or serious injury, or to cure a serious disease or infirmity;
- (c) Voluntarily causing harm or trying to cause harm, except to prevent death or injury;
- (d) Helping someone commit a crime that this rule does not cover.

Examples

Z falls off his horse and is unconscious. A, a surgeon, sees that Z needs a surgical procedure. A performs the surgery in good faith for Z's benefit before Z regains consciousness. A has not committed a crime.

Z is attacked by a tiger. A shoots at the tiger, knowing the shot might accidentally kill Z but does not intend to kill Z. A's shot accidentally kills Z. A has not committed a crime.

A surgeon, A, sees a child injured in an accident that could be fatal without immediate surgery. There is no time to get permission from the child's guardian. A performs the surgery despite the child's protests, intending to help the child. A has not committed a crime.

A is in a burning house with a child, Z. People outside hold a blanket to catch the child. A drops the child from the roof, knowing the fall might kill the child but does not intend to kill the child. A intends to save the child. Even if the child dies from the fall, A has not committed a crime.

Explanation: Financial gain is not considered a benefit under this section and related sections 26 and 27.

Explanation using Example

Example 1:

Ravi, a mountaineer, is climbing a remote mountain when he slips and falls, becoming unconscious. His friend, Dr. Mehta, who is also a climber and a trained surgeon, realizes that Ravi has a severe head injury that requires immediate surgery to save his life. Given the remote location and the urgency of the situation, Dr. Mehta performs the surgery on Ravi without his consent, as Ravi is unconscious and there is no one else to give consent. Dr. Mehta acts in good faith for Ravi's benefit. Under Section 30 of the Bharatiya Nyaya Sanhita 2023, Dr. Mehta has committed no offence.

Example 2:

During a village fair, a young boy named Arjun is bitten by a venomous snake and falls unconscious. The local healer, Mr. Sharma, knows that the only way to save Arjun's life is to immediately administer an antidote. Arjun's parents are not present, and there is no time to seek their consent. Mr. Sharma administers the antidote in good faith to save Arjun's life. Under Section 30 of the Bharatiya Nyaya Sanhita 2023, Mr. Sharma has committed no offence.

Example 3:

Priya, a teacher, is on a school trip with her students when one of the children, Rohan, suddenly collapses and stops breathing. Priya, who has basic first aid training, performs CPR on Rohan to revive him. Rohan's parents are not present, and there is no time to seek their consent. Priya acts in good faith to save Rohan's life. Under Section 30 of the Bharatiya Nyaya Sanhita 2023, Priya has committed no offence.

Example 4:

During a flood, a rescue worker named Suresh finds an elderly woman, Mrs. Gupta, who is unconscious and trapped in her house. The water level is rising rapidly, and there is no time to seek consent from her family. Suresh breaks into the house and carries Mrs. Gupta to safety, acting in good faith to save her life. Under Section 30 of the Bharatiya Nyaya Sanhita 2023, Suresh has committed no offence.

Section 31: Communication made in good faith.

No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

Illustration

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

Simplified Acts

No communication made in good faith is a crime just because it causes harm to the person it is made to, as long as it is made for that person's benefit.

Example

A, a surgeon, honestly tells a patient that he is not going to survive. The patient dies from the shock of hearing this. A has not committed a crime, even though he knew that telling the patient might cause the patient's death.

Explanation using Example

Example 1:

Dr. Mehta, a psychiatrist, in good faith, informs his patient, Ramesh, that he is suffering from severe depression and needs immediate treatment. Ramesh, feeling overwhelmed by the diagnosis, attempts to harm himself. Despite the unfortunate outcome, Dr. Mehta has committed no offence because his communication was made in good faith for Ramesh's benefit.

Example 2:

Priya, a financial advisor, advises her client, Suresh, that his current investments are at high risk and he should consider reallocating his funds to safer options. Suresh, distressed by the news, suffers a heart attack. Priya has committed no offence as her advice was given in good faith for Suresh's financial well-being.

Example 3:

Inspector Sharma, a police officer, informs a suspect, Ravi, that there is strong evidence against him and he might face severe legal consequences. Ravi, unable to handle the pressure, collapses and is hospitalized. Inspector Sharma has committed no offence because his communication was made in good faith as part of his duty to inform Ravi of the legal situation.

Example 4:

Anita, a school counselor, tells a student, Neha, that her academic performance is poor and she needs to work harder to pass the exams. Neha, feeling disheartened, faints. Anita has committed no offence as her communication was made in good faith to help Neha improve her academic performance.

Example 5:

Raj, a lawyer, advises his client, Sunita, that her legal case is weak and she might lose in court. Sunita, stressed by the news, experiences a panic attack. Raj has committed no offence because his communication was made in good faith to prepare Sunita for the possible outcome of her case.

Section 32: Act to which a person is compelled by threats.

Except murder, and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence:

Provided that the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1

A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation 2

A person seized by a gang of dacoits, and forced, by threat of instant death, to do a thing which is an offence by law; for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it, is entitled to the benefit of this exception.

Simplified Acts

Except for murder and crimes against the State that are punishable by death, a person is not guilty of a crime if they were forced to do it because of threats that made them reasonably believe they would be killed immediately if they didn't comply.

However, this only applies if the person did not willingly put themselves in a situation where they would be forced to commit the crime, or if they did not do so out of fear of harm that is less than immediate death.

Explanation 1

If someone willingly joins a gang of robbers, knowing they are criminals, they cannot use this excuse to avoid punishment for crimes they are forced to commit by the gang.

Explanation 2

If someone is captured by a gang of robbers and forced, under threat of immediate death, to commit a crime (like a blacksmith being forced to break into a house for the robbers to steal), they can use this excuse to avoid punishment.

Explanation using Example

Example 1:

Ravi is a shopkeeper in a small town. One evening, a group of armed robbers enters his shop and threatens to kill him if he does not hand over all the money in the cash register. Fearing for his life, Ravi complies and gives them the money. Under Section 32 of the Bharatiya Nyaya Sanhita 2023, Ravi would

not be held criminally liable for giving the money to the robbers because he was compelled to do so by threats that reasonably caused him to fear instant death.

Example 2:

Sunita is a blacksmith in a village. One night, a gang of dacoits kidnaps her and threatens to kill her immediately if she does not use her tools to break into a wealthy villager's house. Terrified, Sunita uses her tools to break the lock on the door, allowing the dacoits to enter and loot the house. According to Section 32 of the Bharatiya Nyaya Sanhita 2023, Sunita would not be held criminally liable for breaking the lock because she was forced to do so under the threat of instant death.

Example 3:

Ajay, a young man, is approached by a notorious gang and threatened with severe beating if he does not join them in their criminal activities. Out of fear, Ajay joins the gang and participates in a robbery. Later, he claims that he was compelled to commit the crime due to the threats. However, under Explanation 1 of Section 32, Ajay would not be entitled to the benefit of this exception because he joined the gang knowing their criminal nature and was not under the threat of instant death.

Example 4:

Meera is a taxi driver. One night, a passenger pulls out a gun and threatens to shoot her if she does not drive him to a specific location where he plans to commit a crime. Fearing for her life, Meera drives the passenger to the location. Under Section 32 of the Bharatiya Nyaya Sanhita 2023, Meera would not be held criminally liable for driving the passenger to the location because she was compelled to do so by threats that reasonably caused her to fear instant death.

Section 33: Act causing slight harm.

Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

Simplified Acts

An action is not considered a crime if it causes harm, is meant to cause harm, or is known to likely cause harm, as long as the harm is so minor that a reasonable person would not complain about it.

Explanation using Example

Example 1:

Ravi and Suresh are playing a friendly game of cricket in their neighborhood park. During the game, Ravi accidentally hits the ball, and it lightly taps Suresh on the arm. Suresh feels a slight discomfort but does not suffer any injury. In this scenario, Ravi's action of hitting the ball that caused slight harm to Suresh would not be considered an offence under Section 33 of the Bharatiya Nyaya Sanhita 2023, as the harm is so minor that no reasonable person would complain about it.

Example 2:

Priya and Anjali are colleagues working in the same office. One day, while walking past Anjali's desk, Priya accidentally bumps into Anjali, causing her to spill a few drops of coffee on her dress. Anjali is slightly annoyed but does not suffer any significant damage or injury. In this case, Priya's accidental bump that caused slight harm to Anjali would not be considered an offence under Section 33 of the Bharatiya Nyaya Sanhita 2023, as the harm is minimal and no person of ordinary sense and temper would complain about it.

OF RIGHT OF PRIVATE DEFENCE

Section 34: Things done in private defence.

Nothing is an offence which is done in the exercise of the right of private defence.

Section 35: Right of private defence of body and of property.

Every person has a right, subject to the restrictions contained in section 37, to defend:

(a) his own body, and the body of any other person, against any offence affecting the human body;

(b) the property, whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.

Simplified Acts

Everyone has the right, with some limits mentioned in section 37, to protect:

(a) their own body and the body of someone else from any crime that harms the body;

(b) their own property, whether it can be moved or not, and the property of someone else from any act that is considered theft, robbery, damage, or illegal entry, or any attempt to commit these crimes.

Explanation using Example

Example 1:

Rahul is walking home late at night when he is suddenly confronted by a man trying to snatch his wallet. Rahul, in an attempt to protect himself and his property, pushes the man away and runs to a nearby police station to report the incident. Under Section 35 of The Bharatiya Nyaya Sanhita 2023, Rahul's actions are justified as he was defending his own body and property against an offence affecting the human body (attempted robbery).

Example 2:

Priya is at her friend's house when she notices a stranger trying to break into the house through a window. Priya immediately calls the police and then uses a stick to scare the intruder away. The intruder flees before the police arrive. Priya's actions are protected under Section 35 of The Bharatiya Nyaya Sanhita 2023, as she was defending her friend's property against an act of criminal trespass and potential theft.

Example 3:

Amit is at a public park when he sees a man attacking a woman. Amit intervenes by physically restraining the attacker until the police arrive. Amit's intervention is covered under Section 35 of The Bharatiya Nyaya Sanhita 2023, as he was defending the body of another person against an offence affecting the human body (assault).

Example 4:

Sunita owns a small shop. One night, she hears noises and sees someone trying to break the lock of her shop. Sunita immediately calls the police and then shouts at the intruder, causing him to flee. Sunita's actions are justified under Section 35 of The Bharatiya Nyaya Sanhita 2023, as she was defending her property against an act of attempted theft.

Example 5:

Ravi is visiting his cousin's farm when he notices a group of people trying to steal crops. Ravi and his cousin confront the thieves and manage to scare them away without any physical altercation. Ravi's actions are protected under Section 35 of The Bharatiya Nyaya Sanhita 2023, as he was defending his cousin's immovable property against an act of theft.

Section 36: Right of private defence against act of a person of unsound mind, etc.

When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Illustrations

(a) Z, a person of unsound mind, attempts to kill A; Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were not acting under that misconception.

Simplified Acts

When someone does something that would normally be a crime, but it isn't considered a crime because the person is too young, doesn't understand what

they're doing, has a mental illness, is drunk, or is confused, everyone still has the right to defend themselves against that act as if it were a crime.

Examples

(a) Z, who has a mental illness, tries to kill A. Z is not guilty of a crime. But A still has the right to defend himself as if Z were mentally healthy.

(b) A legally enters a house at night. Z, thinking A is a burglar, attacks A. Z is not guilty of a crime because he was mistaken. But A still has the right to defend himself against Z as if Z were not mistaken.

Explanation using Example

Example 1:

Ravi is walking home late at night when he is suddenly attacked by Ramesh, who is under the influence of a strong intoxicant and not in his senses. Ramesh tries to hit Ravi with a stick. Although Ramesh is not fully aware of his actions due to intoxication and may not be held criminally responsible, Ravi has the right to defend himself as if Ramesh were fully aware and intending to harm him. Ravi can use reasonable force to protect himself from Ramesh's attack.

Example 2:

Meena is in her garden when she sees a young boy, Arjun, who is only 10 years old, trying to steal fruits from her tree. Arjun does not fully understand the consequences of his actions due to his young age. While Arjun may not be held criminally responsible for theft, Meena has the right to protect her property. She can take reasonable steps to stop Arjun from stealing the fruits, such as verbally warning him or gently guiding him away, just as she would if an adult were trying to steal from her.

Example 3:

Sita is walking through a park when she is suddenly approached by Raj, who is suffering from a mental illness and tries to snatch her purse. Raj is not aware of the criminal nature of his actions due to his unsound mind. Even though Raj may not be held criminally responsible, Sita has the right to defend herself and her property. She can use reasonable force to prevent Raj from taking her purse, just as she would if Raj were mentally sound and fully aware of his actions.

Example 4:

Late at night, Priya hears someone trying to break into her house. She sees that it is her neighbor, Anil, who is heavily intoxicated and mistakenly believes he is entering his own home. Anil is not aware of his actions due to his intoxication. Although Anil may not be held criminally responsible for attempted housebreaking, Priya has the right to defend her home. She can take reasonable measures to stop Anil from entering, such as locking the door or calling for help, just as she would if Anil were sober and intentionally trying to break in.

Section 37: Acts against which there is no right of private defence.

(1) There is no right of private defence, --

(a) against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law;

(b) against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law;

(c) in cases in which there is time to have recourse to the protection of the public authorities.

(2) The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Explanation 1

A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless he knows or has reason to believe, that the person doing the act is such public servant.

Explanation 2

A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction, or unless such person states the authority under which he acts, or if he has authority in writing, unless he produces such authority, if demanded.

Simplified Acts

Right of Private Defence

(1) You do not have the right to defend yourself in the following situations:

(a) If someone, who is a public servant (like a police officer), does something that doesn't make you reasonably fear for your life or serious injury, and they are acting in good faith as part of their job, even if what they are doing isn't completely legal.

(b) If someone, acting on the orders of a public servant, does something that doesn't make you reasonably fear for your life or serious injury, and they are acting in good faith as part of their job, even if the order isn't completely legal.

(c) If you have enough time to get help from the authorities instead of defending yourself.

(2) When you do have the right to defend yourself, you can only use as much force as is necessary to protect yourself. You can't cause more harm than needed.

Explanation 1

You don't lose your right to defend yourself against a public servant unless you know or have a good reason to believe that the person is a public servant.

Explanation 2

You don't lose your right to defend yourself against someone acting on the orders of a public servant unless you know or have a good reason to believe that the person is following such orders, or unless the person tells you they are acting under such authority, or shows you written proof if you ask for it.

Explanation using Example

Example 1:

Ravi is walking home late at night when he is stopped by a police officer, Officer Singh, who asks to see his identification. Officer Singh is not in uniform but shows his badge. Ravi, feeling annoyed, refuses and tries to push Officer Singh away. Officer Singh, acting in good faith under his official capacity, tries to restrain Ravi. Ravi, believing he is being attacked, punches Officer Singh. In this scenario, Ravi does not have the right of private defence because Officer

Singh's actions do not reasonably cause the apprehension of death or grievous hurt, and Officer Singh is acting in good faith under the colour of his office.

Example 2:

Meena is at a protest when a public servant, under the direction of a senior officer, asks the crowd to disperse. The officer's direction is given in good faith but may not be strictly justifiable by law. Meena refuses to leave and instead throws a stone at the officer, causing injury. In this case, Meena does not have the right of private defence because the officer's direction does not reasonably cause the apprehension of death or grievous hurt, and the officer is acting under the direction of a public servant in good faith.

Example 3:

Arjun is at home when he hears a noise outside and sees a group of people trying to break into his house. Instead of immediately resorting to violence, Arjun has the time to call the police for help. If Arjun chooses to attack the intruders instead of seeking help from public authorities, he may not be able to claim the right of private defence because there was time to have recourse to the protection of public authorities.

Example 4:

Priya is approached by a man who claims to be a police officer and demands her purse. The man is not in uniform and does not show any identification. Priya, believing she is being robbed, fights back and injures the man. Later, it is revealed that the man was indeed a police officer acting under orders. However, Priya did not know or have reason to believe that he was a public servant. In this case, Priya retains her right of private defence because she did not know the man was a police officer acting in good faith.

Example 5:

During a routine traffic stop, a police officer asks Raj to step out of his car for a search. Raj refuses and tries to drive away, fearing that the officer might harm him. The officer, acting in good faith, tries to stop Raj by breaking his car window. Raj then attacks the officer with a wrench. In this scenario, Raj does not have the right of private defence because the officer's actions do not reasonably cause the apprehension of death or grievous hurt, and the officer is acting in good faith under the colour of his office.

Section 38: When right of private defence of body extends to causing death.

The right of private defence of the body extends, under the restrictions specified in section 37, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely:

- (a) such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;
- (b) such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;
- (c) an assault with the intention of committing rape;
- (d) an assault with the intention of gratifying unnatural lust;
- (e) an assault with the intention of kidnapping or abducting;
- (f) an assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release;
- (g) an act of throwing or administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.

Simplified Acts

The right to defend yourself or someone else allows you, under certain conditions mentioned in section 37, to cause death or any other harm to the attacker if the attack falls under any of the following situations:

- (a) An attack that makes you reasonably believe that you might die if you don't defend yourself.
- (b) An attack that makes you reasonably believe that you might suffer serious injury if you don't defend yourself.
- (c) An attack with the intention of committing rape.
- (d) An attack with the intention of satisfying unnatural sexual desires.
- (e) An attack with the intention of kidnapping or abducting someone.

(f) An attack with the intention of wrongfully confining someone, making them reasonably believe that they won't be able to get help from the authorities.

(g) An act of throwing or trying to throw acid, which makes you reasonably believe that you might suffer serious injury if you don't defend yourself.

Explanation using Example

Example 1:

Ravi is walking home late at night when he is suddenly attacked by a group of men. One of the men pulls out a knife and threatens to kill Ravi if he does not hand over his wallet. Fearing for his life, Ravi grabs a nearby stick and strikes the man with the knife, causing him to fall unconscious. In this scenario, Ravi's action of causing serious harm to the assailant is justified under Section 38(a) of the Bharatiya Nyaya Sanhita 2023, as he had a reasonable apprehension that his life was in danger.

Example 2:

Meera is at a party when she notices a man trying to force himself on her friend, Priya, with clear intentions of committing rape. Meera intervenes and, in the struggle, pushes the man away, causing him to hit his head on a table and suffer a severe injury. Meera's actions are protected under Section 38(c) of the Bharatiya Nyaya Sanhita 2023, as she was preventing an assault with the intention of committing rape.

Example 3:

Arjun is walking his dog in a park when he sees a man trying to kidnap a child. The man grabs the child and starts running towards a van. Arjun runs after them and tackles the man, causing him to fall and break his arm. Arjun's actions are justified under Section 38(e) of the Bharatiya Nyaya Sanhita 2023, as he was preventing an assault with the intention of kidnapping.

Example 4:

Sunita is at home when an intruder breaks in and tries to confine her in a room, threatening that she will never be able to call for help. Sunita manages to grab a heavy vase and hits the intruder on the head, causing him to collapse. Sunita's actions are protected under Section 38(f) of the Bharatiya Nyaya Sanhita 2023, as she had a reasonable apprehension that she would be wrongfully confined and unable to seek help from public authorities.

Example 5:

During a heated argument, a man throws acid at Rina, but she manages to dodge it. Fearing that he might try again, Rina picks up a chair and hits the man, causing him to suffer a serious injury. Rina's actions are justified under Section 38(g) of the Bharatiya Nyaya Sanhita 2023, as she had a reasonable apprehension that grievous hurt would be the consequence of the acid attack.

Section 39: When such right extends to causing any harm other than death.

If the offence be not of any of the descriptions specified in section 38, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions specified in section 37, to the voluntary causing to the assailant of any harm other than death.

Simplified Acts

If the attack is not one of the types listed in section 38, you do not have the right to kill the attacker in self-defense.

However, you do have the right to harm the attacker in other ways, as long as you follow the rules in section 37.

Explanation using Example

Example 1:

Ravi is walking home late at night when he is suddenly attacked by a group of men who try to rob him. Ravi fights back to defend himself. In the process, he punches one of the attackers, causing a broken nose and a few bruises. According to Section 39 of the Bharatiya Nyaya Sanhita 2023, Ravi's actions are justified as he is exercising his right to private defence. However, if Ravi had used excessive force that resulted in the death of one of the attackers, his actions would not be protected under this section.

Example 2:

Meera is at home when she hears someone breaking into her house. She finds a burglar in her living room who threatens her with a knife. In an attempt to protect herself, Meera grabs a nearby vase and hits the burglar on the head, causing a concussion. Under Section 39 of the Bharatiya Nyaya Sanhita 2023, Meera's actions are legally permissible as she is defending herself from harm. However, if Meera had continued to attack the burglar after he was

incapacitated and caused his death, her actions would not be covered by this section.

Section 40: Commencement and continuance of right of private defence of body.

The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence though the offence may not have been committed; and it continues as long as such apprehension of danger to the body continues.

Simplified Acts

You have the right to defend yourself as soon as you reasonably believe that someone is trying to harm you, even if they haven't actually hurt you yet.

This right to defend yourself lasts as long as you still believe you are in danger.

Explanation using Example

Example 1:

Ravi is walking home late at night when he notices a group of men following him. They start making threatening gestures and one of them pulls out a knife. Ravi, fearing for his safety, picks up a nearby stick to defend himself. Even though the men have not yet attacked him, Ravi's right of private defence of the body has commenced because he has a reasonable apprehension of danger to his body. This right continues as long as the threat persists.

Example 2:

Meera is at a crowded market when she sees a man trying to snatch her purse. She yells for help, but the man continues to approach her aggressively. Meera, feeling threatened, uses her pepper spray to fend off the attacker. Although the man has not yet succeeded in taking her purse, Meera's right of private defence of the body has commenced because she reasonably fears for her safety. This right continues as long as the threat of the attack remains.

Section 41: When right of private defence of property extends to causing death.

The right of private defence of property extends, under the restrictions specified in section 37, to the voluntary causing of death or of any other harm to the wrong-doer, if the offence, the committing of which, or the attempting to

commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely:

(a) robbery;

(b) house-breaking after sunset and before sunrise;

(c) mischief by fire or any explosive substance committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or as a place for the custody of property;

(d) theft, mischief, or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

Simplified Acts

The right to defend your property allows you, under certain conditions mentioned in section 37, to cause death or any other harm to the person committing the crime, if the crime or attempted crime falls under any of the following categories:

(a) robbery;

(b) breaking into a house after sunset and before sunrise;

(c) causing damage by fire or any explosive substance to any building, tent, or vessel that is used as a home or for storing property;

(d) theft, damage, or trespassing in a way that makes you reasonably fear that not defending yourself could result in death or serious injury.

Explanation using Example

Example 1:

Ravi lives in a remote village in India. One night, around 2 AM, he hears noises coming from his backyard. When he looks out, he sees a group of men trying to break into his house. Ravi realizes that these men are attempting a house-breaking after sunset and before sunrise. Fearing for his family's safety, Ravi grabs a licensed firearm and warns the intruders to leave. When they ignore his warnings and continue to break in, Ravi shoots at them, causing the death of one of the intruders. Under Section 41 of The Bharatiya Nyaya Sanhita 2023,

Ravi's actions are justified as he was exercising his right of private defence of property against house-breaking during the specified hours.

Example 2:

Meena owns a small jewelry shop in a busy market area. One evening, as she is closing her shop, a group of armed robbers enters and demands all the jewelry. The robbers threaten to kill her if she does not comply. Fearing for her life and the safety of her property, Meena uses a hidden panic button to alert the nearby police and then grabs a heavy metal rod to defend herself. In the ensuing struggle, she hits one of the robbers on the head, causing his death. Under Section 41 of The Bharatiya Nyaya Sanhita 2023, Meena's actions are justified as she was exercising her right of private defence of property against robbery, which is one of the enumerated offences.

Example 3:

Arjun is camping with his family in a tent near a forest. Late at night, he notices a group of people trying to set fire to his tent using petrol and matches. The tent is their temporary dwelling and contains all their belongings. Arjun, fearing for his family's lives and property, rushes out with a knife and confronts the arsonists. In the struggle, he stabs one of the attackers, causing fatal injuries. Under Section 41 of The Bharatiya Nyaya Sanhita 2023, Arjun's actions are justified as he was exercising his right of private defence of property against mischief by fire on a tent used as a human dwelling.

Example 4:

Sita is at home with her elderly parents when she hears someone trying to break into their house. She sees a man attempting to enter through a window and realizes that he might be a thief. Given the circumstances, Sita fears that if the intruder succeeds, he might cause grievous hurt or even death to her or her parents. She grabs a heavy vase and throws it at the intruder, hitting him on the head and causing his death. Under Section 41 of The Bharatiya Nyaya Sanhita 2023, Sita's actions are justified as she was exercising her right of private defence of property against theft under circumstances that reasonably caused apprehension of grievous hurt or death.

Section 42: When such right extends to causing any harm other than death.

If the offence, the committing of which, or the attempting to commit which occasions the exercise of the right of private defence, be theft, mischief, or

criminal trespass, not of any of the descriptions specified in section 41, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions specified in section 37, to the voluntary causing to the wrong-doer of any harm other than death.

Simplified Acts

If someone commits or tries to commit theft, mischief, or criminal trespass (but not the serious types mentioned in section 41), you have the right to defend yourself. However, this right does not allow you to cause the person's death. You can cause harm to the person, but not kill them, as long as you follow the rules in section 37.

Explanation using Example

Example 1:

Ravi is a shopkeeper in a small town in India. One night, he hears a noise and sees someone trying to break into his shop. Ravi rushes out and catches the intruder, who is attempting to steal goods from his shop. In the struggle, Ravi uses a stick to hit the intruder on the leg, causing him to fall and injure himself. Ravi's actions are covered under Section 42 of the Bharatiya Nyaya Sanhita 2023, as he is exercising his right of private defence to prevent theft. However, Ravi does not have the right to cause the intruder's death, only to cause harm to stop the theft.

Example 2:

Meena lives in a rural area and has a small farm. One day, she notices someone trespassing on her property and damaging her crops. Meena confronts the trespasser and, in an attempt to stop the damage, pushes him away, causing him to fall and sprain his ankle. Meena's actions are justified under Section 42 of the Bharatiya Nyaya Sanhita 2023, as she is exercising her right of private defence to prevent mischief (damage to her crops). However, she is not allowed to cause the trespasser's death, only to cause harm to stop the mischief.

Section 43: Commencement and continuance of right of private defence of property.

The right of private defence of property

(a) commences when a reasonable apprehension of danger to the property commences;

(b) against theft continues till the offender has effected his retreat with the property or either the assistance of the public authorities is obtained, or the property has been recovered;

(c) against robbery continues as long as the offender causes or attempts to cause to any person death or hurt or wrongful restraint or as long as the fear of instant death or of instant hurt or of instant personal restraint continues;

(d) against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief;

(e) against house-breaking after sunset and before sunrise continues as long as the house-trespass which has been begun by such house-breaking continues.

Simplified Acts

The right to defend your property

(a) starts when you reasonably believe your property is in danger;

(b) against theft continues until the thief has escaped with the property, or you get help from the authorities, or you get the property back;

(c) against robbery continues as long as the robber is trying to cause death, injury, or restrain someone, or as long as there is a fear of immediate death, injury, or restraint;

(d) against criminal trespass or damage continues as long as the trespasser or person causing damage is still doing it;

(e) against house-breaking at night continues as long as the intruder is still inside after breaking in.

Explanation using Example

Example 1:

Ravi owns a small shop in a busy market area. One night, he hears noises and sees someone trying to break into his shop through the back door. Ravi immediately calls the police but also grabs a stick to defend his property. According to Section 43 of The Bharatiya Nyaya Sanhita 2023, Ravi's right to defend his property commenced the moment he had a reasonable

apprehension of danger to his shop (subsection a). His right to defend his property against the thief continues until the thief retreats with the stolen goods, the police arrive, or the stolen goods are recovered (subsection b).

Example 2:

Priya lives in a house on the outskirts of the city. One night, she hears someone breaking into her house through a window. She sees the intruder and immediately feels threatened. Priya grabs a heavy object to defend herself and her property. According to Section 43 of The Bharatiya Nyaya Sanhita 2023, Priya's right to defend her property against house-breaking continues as long as the house-trespass, which began with the house-breaking, continues (subsection e). This means she can defend her property until the intruder leaves or is apprehended.

Example 3:

Amit is walking home late at night when he is suddenly confronted by a robber who demands his wallet and threatens him with a knife. Amit, fearing for his life, uses his self-defense training to disarm the robber and protect his belongings. According to Section 43 of The Bharatiya Nyaya Sanhita 2023, Amit's right to defend his property against robbery continues as long as the robber attempts to cause him death, hurt, or wrongful restraint, or as long as the fear of instant death or hurt continues (subsection c).

Example 4:

Sunita owns a piece of farmland. One day, she notices a group of people trespassing on her land and damaging her crops. She confronts them and demands that they leave immediately. When they refuse, she uses reasonable force to protect her property. According to Section 43 of The Bharatiya Nyaya Sanhita 2023, Sunita's right to defend her property against criminal trespass or mischief continues as long as the offenders continue committing criminal trespass or mischief (subsection d).

Section 44: Right of private defence against deadly assault when there is risk of harm to innocent person.

If in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Illustration

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

Simplified Acts

If someone is defending themselves from an attack that makes them reasonably fear for their life, and they are in a situation where they can't defend themselves without possibly harming an innocent person, their right to defend themselves includes taking that risk.

Example

A person named A is attacked by a group of people trying to kill him. A can't defend himself without shooting at the group, but there are young children mixed in with the attackers. If A ends up harming any of the children while defending himself, he is not committing a crime.

Explanation using Example

Example 1:

Ravi is walking home late at night when he is suddenly surrounded by a group of armed robbers. The robbers threaten to kill him if he does not hand over his valuables. Ravi, fearing for his life, pulls out a licensed firearm he carries for self-defense. However, he notices that there are a few bystanders, including a child, nearby. Ravi realizes that if he fires his weapon to defend himself, there is a risk that one of the bystanders might get hurt. Despite this risk, Ravi fires his weapon to protect himself from the imminent threat of death. In this scenario, Ravi's action of firing the weapon, even though it posed a risk to innocent bystanders, is protected under Section 44 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Meera is at a crowded market when she is suddenly attacked by a man wielding a knife. The attacker is attempting to stab her, and Meera has no way to escape. She carries a small pepper spray for self-defense. In the heat of the moment, Meera uses the pepper spray to defend herself, knowing that the spray might affect other innocent shoppers around her. The spray temporarily

blinds the attacker, but also causes discomfort to a few nearby shoppers, including an elderly woman. Under Section 44 of The Bharatiya Nyaya Sanhita 2023, Meera's right to private defense justifies her action, even though it inadvertently caused harm to innocent bystanders.

CHAPTER IV: OF ABETMENT, CRIMINAL CONSPIRACY AND ATTEMPT

Section 45: Abetment of a thing.

A person abets the doing of a thing, who -

(a) instigates any person to do that thing; or

(b) engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

(c) intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1

A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration

A, a public officer, is authorised by a warrant from a Court to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2

Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Simplified Acts

A person helps someone else commit an act if they:

- (a) encourage someone to do it; or
- (b) work together with others in a plan to do it, and something illegal happens as part of that plan to make it happen; or
- (c) intentionally help by doing something or not doing something they should.

Explanation 1

If a person lies on purpose or hides important information they are supposed to share, and this causes or tries to cause something to happen, they are considered to have encouraged that act.

Example

A, a public officer, has a court order to arrest Z. B knows this and also knows that C is not Z. B lies to A and says C is Z, causing A to arrest C. Here, B has encouraged the arrest of C by lying.

Explanation 2

Anyone who, before or during the act, does something to make it easier for the act to happen, is considered to have helped in doing that act.

Explanation using Example

Example 1:

Ravi wants to steal a car but is unsure how to disable the car's alarm system. His friend, Suresh, explains to him in detail how to disable the alarm. Ravi follows Suresh's instructions and successfully steals the car. Here, Suresh has abetted the theft by instigating Ravi to disable the alarm system.

Example 2:

Priya and Meena plan to cheat in their final exams. They agree that Priya will distract the invigilator while Meena copies answers from a cheat sheet. During the exam, Priya successfully distracts the invigilator, allowing Meena to cheat. Here, both Priya and Meena are engaged in a conspiracy to cheat, and Priya's act of distracting the invigilator is an illegal omission that aids the cheating.

Example 3:

Arjun, a software engineer, is approached by his friend, Vikram, who asks for help in hacking into a company's database to steal sensitive information. Arjun

provides Vikram with the necessary software and instructions on how to use it. Vikram successfully hacks into the database and steals the information. Here, Arjun has intentionally aided Vikram by providing the tools and knowledge needed to commit the crime.

Example 4:

Sunita, a real estate agent, knows that a particular property is under legal dispute and cannot be sold. However, she intentionally conceals this information from a buyer, Ramesh, and convinces him to purchase the property. Ramesh buys the property and later finds out about the legal dispute. Here, Sunita has abetted the sale of the disputed property by wilful concealment of a material fact.

Example 5:

Rajesh, a businessman, is aware that his competitor, Anil, is planning to launch a new product. Rajesh bribes an employee of Anil's company to delay the launch by sabotaging the production process. The employee follows Rajesh's instructions and delays the launch. Here, Rajesh has abetted the act of delaying the product launch by instigating the employee to sabotage the production process.

Section 46: Abettor.

A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Explanation 1

The abetment of the illegal omission of an act may amount to an offence although the abettor may not himself be bound to do that act.

Explanation 2

To constitute the offence of abetment it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

Illustrations

(a) A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.

(b) A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

Explanation 3

It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

Illustrations

(a) A, with a guilty intention, abets a child or a person of unsound mind to commit an act which would be an offence, if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(b) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act in the absence of A and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(c) A instigates B to set fire to a dwelling-house. B, in consequence of his unsoundness of mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 4

The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and, as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 5

It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of which the offence is committed.

Illustration

A concert with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this section and is liable to the punishment for murder.

Simplified Acts

A person helps in committing a crime if they encourage or assist someone to commit a crime, or if they help in doing something that would be a crime if done by someone who is legally capable of committing it with the same intention or knowledge as the helper.

Explanation 1

Helping someone illegally not do something can still be a crime, even if the helper isn't required to do that thing themselves.

Explanation 2

For the crime of helping (abetting) to occur, it doesn't matter if the crime actually happens or not.

Illustrations

(a) A encourages B to murder C. B refuses. A is still guilty of trying to get B to commit murder.

(b) A encourages B to murder D. B stabs D but D survives. A is guilty of encouraging B to commit murder.

Explanation 3

It doesn't matter if the person being helped (abetted) is legally able to commit the crime, or if they have the same guilty intention or knowledge as the helper, or any guilty intention or knowledge at all.

Illustrations

(a) A, with bad intentions, encourages a child or someone mentally unfit to do something that would be a crime if done by a capable person with the same intention as A. A is guilty whether or not the act is done.

(b) A, intending to kill Z, tells B, a child under seven, to do something that causes Z's death. B does it and Z dies. Even though B can't legally commit a crime, A is guilty and can be punished as if B could legally commit murder, including facing the death penalty.

(c) A tells B, who is mentally unfit, to set fire to a house. B does it without understanding what he's doing. B isn't guilty, but A is guilty of helping set the fire and will be punished for it.

(d) A wants to steal and convinces B to take Z's property by making B think the property belongs to A. B takes it honestly believing it's A's. B isn't guilty of theft, but A is guilty of helping commit theft and will be punished as if B had committed theft.

Explanation 4

Helping someone help commit a crime is also a crime.

Illustration

A tells B to tell C to murder Z. B tells C, and C murders Z. B is guilty and will be punished for murder, and A will also be punished the same way for telling B to do it.

Explanation 5

For the crime of helping through conspiracy, it's enough if the helper joins the plan that leads to the crime, even if they don't directly plan it with the person who commits it.

Illustration

A and B plan to poison Z. They agree A will give the poison. B tells C the plan without naming A. C agrees to get the poison and gives it to B. A gives the poison to Z, and Z dies. Even though A and C didn't plan directly together, C is guilty of the conspiracy and will be punished for murder.

Explanation using Example

Example 1:

Ravi, who holds a grudge against his neighbor Suresh, instigates his friend Mohan to vandalize Suresh's car. Mohan, however, decides not to go through with it. Despite Mohan's refusal, Ravi is guilty of abetting the offence of vandalism.

Example 2:

Priya, with the intention of harming her colleague Anjali, convinces her younger brother Rohan, who is 10 years old, to steal Anjali's laptop. Rohan, believing he is just playing a prank, takes the laptop. Although Rohan is not legally capable of committing theft due to his age, Priya is guilty of abetting the theft.

Example 3:

Sunil, knowing that his friend Raj is mentally unstable, persuades Raj to set fire to a shop. Raj, not understanding the consequences of his actions, sets the shop on fire. Raj is not held responsible due to his mental condition, but Sunil is guilty of abetting the offence of arson.

Example 4:

Meena, with the intention of committing fraud, convinces her friend Neha to withdraw money from an ATM using a stolen card, telling Neha that the card

belongs to her. Neha, believing Meena, withdraws the money. Neha does not commit theft as she acted in good faith, but Meena is guilty of abetting the offence of theft.

Example 5:

Arjun instigates his friend Vikram to convince another person, Ramesh, to commit a robbery. Vikram successfully persuades Ramesh, who then commits the robbery. Both Vikram and Ramesh are guilty of the robbery, and Arjun, who instigated Vikram, is also guilty of abetting the robbery.

Example 6:

Kavita and her friend Pooja plan to poison their rival, Rina. Kavita explains the plan to Pooja, who then explains it to another friend, Anil, without mentioning Kavita's involvement. Anil procures the poison and gives it to Pooja, who then gives it to Kavita. Kavita administers the poison to Rina, resulting in her death. Although Anil and Kavita did not conspire directly, Anil is guilty of abetting the offence as he was part of the conspiracy.

Section 47: Abetment in India of offences outside India.

A person abets an offence within the meaning of this Sanhita who, in India, abets the commission of any act without and beyond India which would constitute an offence if committed in India.

Illustration

A, in India, instigates B, a foreigner in country X, to commit a murder in that country, A is guilty of abetting murder.

Simplified Acts

A person helps commit a crime under this law if, while in India, they help someone else commit an act outside of India that would be a crime if it happened in India.

Example

A, who is in India, encourages B, a foreigner in country X, to commit a murder in that country. A is guilty of helping to commit murder.

Explanation using Example

Example 1:

Rahul, residing in Mumbai, India, contacts his friend John, who lives in the United States, and convinces him to hack into a company's database in the United States to steal sensitive information. Even though the hacking occurs in the United States, Rahul can be charged with abetment under Section 47 of the Bharatiya Nyaya Sanhita 2023 because he instigated the crime from India.

Example 2:

Priya, living in Delhi, India, persuades her cousin, who is in Canada, to smuggle illegal drugs into Canada. Priya provides detailed instructions and financial support for the operation. Although the smuggling takes place in Canada, Priya can be held liable for abetment under Section 47 of the Bharatiya Nyaya Sanhita 2023 because she facilitated the crime from India.

Section 48: Abetment outside India for offence in India.

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.

Simplified Acts

A person is considered to be helping commit a crime under this law if they encourage or assist in committing a crime in India, even if they are outside of India.

Example

If A, who is in country X, encourages B to commit a murder in India, A is guilty of helping to commit the murder.

Explanation using Example

Example 1:

Rahul, residing in the United States, contacts his friend Suresh in India and persuades him to hack into a government database in India. Suresh follows through and commits the hacking. Even though Rahul is in the United States,

he is guilty of abetting the cybercrime in India under Section 48 of the Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya, living in Canada, sends detailed instructions and encouragement to her cousin, Anil, in India, to manufacture and sell counterfeit currency. Anil acts on Priya's instructions and starts producing fake currency notes in India. Priya, despite being in Canada, is guilty of abetting the offence of counterfeiting currency in India under Section 48 of the Bharatiya Nyaya Sanhita 2023.

Section 49: Punishment of abetment if act abetted is committed in consequence and where no express provision is made for its punishment.

Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Sanhita for the punishment of such abetment, be punished with the punishment provided for the offence.

Explanation. - An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Illustrations

(a) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(b) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

Simplified Acts

Whoever helps someone commit a crime will be punished the same way as the person who actually commits the crime, if the crime happens because of their help, and if there is no specific punishment mentioned for helping in this law.

Explanation. - A crime is considered to be committed because of help when it happens due to encouragement, planning together, or assistance that counts as helping.

Examples

(a) A encourages B to lie in court. B lies in court because of A's encouragement. A is guilty of helping B commit that crime and will be punished the same way as B.

(b) A and B plan together to poison Z. A gets the poison and gives it to B so B can give it to Z. B gives the poison to Z and Z dies. B is guilty of murder. A is guilty of helping B commit murder by planning together and will be punished for murder.

Explanation using Example

Example 1:

Rahul convinces his friend, Suresh, to steal a motorcycle from their neighbor, Mr. Sharma. Rahul provides Suresh with the tools needed to break the lock. Suresh, following Rahul's instigation and with the tools provided, successfully steals the motorcycle. In this scenario, Suresh is guilty of theft. Rahul, who instigated and aided the theft, is also guilty of abetment and will face the same punishment as Suresh for the theft.

Example 2:

Priya and Anil plan to defraud a bank by creating fake documents to obtain a loan. Priya, in pursuance of their conspiracy, forges the necessary documents and hands them over to Anil. Anil then submits these forged documents to the bank and successfully obtains the loan. Here, Anil is guilty of fraud. Priya, who conspired and provided the forged documents, is guilty of abetment by conspiracy and will be punished with the same severity as Anil for the fraud.

Example 3:

Vikram encourages his colleague, Meena, to lie under oath during a court trial to protect their boss from a corruption charge. Meena, influenced by Vikram's instigation, gives false testimony in court. In this case, Meena is guilty of perjury. Vikram, who instigated Meena to commit perjury, is also guilty of abetment and will face the same punishment as Meena for giving false evidence.

Example 4:

Ravi and his friend, Karan, plan to vandalize a public park. Ravi buys spray paint and hands it over to Karan, instructing him to deface the park's walls.

Karan, following Ravi's instructions, vandalizes the park. In this situation, Karan is guilty of vandalism. Ravi, who provided the materials and instigated the act, is guilty of abetment and will be punished with the same penalty as Karan for vandalism.

Section 50: Punishment of abetment if person abetted does act with different intention from that of abettor.

Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

Simplified Acts

If someone helps another person commit a crime, and the person they helped does the crime with a different intention or knowledge than the helper, the helper will be punished as if the crime was done with the helper's intention or knowledge.

Explanation using Example

Example 1:

Rahul encourages his friend, Amit, to steal a laptop from their office, intending to sell it and share the money. Amit, however, steals the laptop with the intention of using it for himself and not sharing any proceeds with Rahul. Under Section 50 of The Bharatiya Nyaya Sanhita 2023, Rahul can be punished for abetment of theft, even though Amit's intention was different from Rahul's. Rahul will face the punishment as if the theft was committed with his original intention of selling the laptop and sharing the money.

Example 2:

Priya persuades her cousin, Ramesh, to set fire to a rival's shop to intimidate the rival and force him to leave the neighborhood. Ramesh, however, sets fire to the shop with the intention of causing maximum damage and personal revenge, not just intimidation. According to Section 50 of The Bharatiya Nyaya Sanhita 2023, Priya will be punished for abetment of arson, as if the act was done with her intention of intimidation, even though Ramesh had a different intention of causing extensive damage.

Section 51: Liability of abettor when one act abetted and different act done.

When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it:

Provided that the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Illustrations

(a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of Y.

(b) A instigates B to burn Z's house, B sets fire to the house and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided for murder.

Simplified Acts

When someone encourages another person to commit a crime, but a different crime happens instead, the encourager is responsible for the crime that actually happened as if they had directly encouraged that specific crime:

As long as the crime that happened was a likely result of the encouragement, and it was committed because of the encouragement, help, or plan that the encourager provided.

Examples

(a) A tells a child to put poison in Z's food and gives the child poison. The child accidentally puts the poison in Y's food, which is next to Z's food. If the child did this because of A's encouragement, and it was likely to happen in this situation, A is responsible just as if A had told the child to poison Y's food.

(b) A tells B to burn down Z's house. B sets the house on fire and also steals property from it. A is guilty of encouraging the arson, but not the theft, because the theft was a separate act and not a likely result of burning the house.

(c) A tells B and C to break into a house at midnight to rob it and gives them weapons. B and C break in, and when Z, a person in the house, tries to stop them, they kill Z. If this murder was a likely result of A's encouragement, A is responsible for the murder.

Explanation using Example

Example 1:

Aman persuades his friend Ravi to vandalize a car belonging to their neighbor, Mr. Sharma, by scratching its paint. Aman provides Ravi with a sharp object to carry out the act. Ravi, under the influence of Aman's instigation, mistakenly scratches the paint of Mr. Verma's car, which is parked next to Mr. Sharma's car. Here, since Ravi was acting under Aman's instigation and the act done was a probable consequence of the abetment, Aman is liable in the same manner and to the same extent as if he had directly instigated Ravi to scratch Mr. Verma's car.

Example 2:

Priya encourages her friend Suman to break into a jewelry store at night to steal some valuable items. Priya provides Suman with tools to break the lock. Suman breaks into the store and, in the process, accidentally sets off a fire that damages the entire store. Here, since the fire was a probable consequence of the abetment and was committed under the influence of Priya's instigation, Priya is liable for the damage caused by the fire in the same manner and to the same extent as if she had directly abetted the act of setting the store on fire.

Section 52: Abettor when liable to cumulative punishment for act abetted and for act done.

If the act for which the abettor is liable under section 51 is committed in addition to the act abetted, and constitutes a distinct offence, the abettor is liable to punishment for each of the offences.

Illustration

A instigates B to resist by force a distress made by a public servant. B, in consequence, resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, B is liable to punishment for both these offences; and, if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to punishment for each of the offences.

Simplified Acts

If someone helps another person commit a crime (as described in section 51) and that crime leads to another separate crime, the helper can be punished for both crimes.

Example

A encourages B to use force to stop a public servant from taking property. B follows A's advice and uses force. While doing this, B seriously injures the officer. B has committed two crimes: stopping the public servant and causing serious injury. B can be punished for both crimes. If A knew that B might seriously injure the officer while stopping the public servant, A can also be punished for both crimes.

Explanation using Example

Example 1:

Amit encourages his friend Raj to steal a motorcycle from a parking lot. Raj, following Amit's suggestion, steals the motorcycle. While escaping, Raj hits a pedestrian, causing serious injuries. In this scenario, Raj has committed two distinct offences: theft of the motorcycle and causing grievous hurt to the pedestrian. According to Section 52 of the Bharatiya Nyaya Sanhita 2023, Raj is liable for punishment for both offences. If Amit knew that Raj might cause grievous hurt while escaping, Amit would also be liable for punishment for both the theft and the grievous hurt.

Example 2:

Priya persuades her colleague, Sunil, to forge a signature on a company cheque to withdraw money illegally. Sunil forges the signature and withdraws the money. During the act, Sunil also hacks into the company's computer system to cover his tracks. Sunil has committed two distinct offences: forgery and unauthorized access to the computer system. Under Section 52, Sunil is liable for punishment for both offences. If Priya was aware that Sunil might hack into the computer system to cover his tracks, Priya would also be liable for punishment for both forgery and unauthorized access.

Example 3:

Ravi instigates his neighbor, Suresh, to set fire to a rival's shop. Suresh sets the shop on fire, and the fire spreads to an adjacent building, causing significant property damage. Suresh has committed two distinct offences: arson and causing property damage. According to Section 52, Suresh is liable for punishment for both offences. If Ravi knew that the fire might spread and cause additional property damage, Ravi would also be liable for punishment for both arson and causing property damage.

Example 4:

Neha convinces her friend, Anil, to break into a house and steal valuables. Anil breaks into the house and, in the process, assaults the homeowner who tries to stop him. Anil has committed two distinct offences: housebreaking and assault. Under Section 52, Anil is liable for punishment for both offences. If Neha knew that Anil might assault anyone who tried to stop him, Neha would also be liable for punishment for both housebreaking and assault.

Section 53: Liability of abettor for an effect caused by act abetted different from that intended by abettor.

When an act is abetted with the intention on the part of the abettor of causing a particular effect, and an act for which the abettor is liable in consequence of the abetment, causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

Illustration

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if A knew that the

grievous hurt abetted was likely to cause death, A is liable to be punished with the punishment provided for murder.

Simplified Acts

When someone encourages or helps another person to commit an act with a specific intention, and the act they encouraged leads to a different outcome than they intended, they are responsible for the actual outcome. This is true as long as they knew that the act they encouraged could cause that different outcome.

Example

A encourages B to seriously hurt Z. Because of A's encouragement, B seriously hurts Z. Z dies because of the injuries. If A knew that the serious hurt could likely cause death, A is responsible and can be punished for murder.

Explanation using Example

Example 1:

Amit instigates Bhaskar to set fire to Ramesh's house with the intention of causing damage to the property. Bhaskar, following Amit's instigation, sets the house on fire. However, the fire spreads rapidly and results in the death of Ramesh, who was inside the house. Here, if Amit knew that setting the house on fire was likely to cause death, Amit would be liable for murder, even though his original intention was only to cause property damage.

Example 2:

Priya encourages her friend, Suman, to steal a valuable necklace from a jewelry store, intending only to commit theft. Suman, while stealing the necklace, accidentally triggers an alarm, causing a panic that leads to a stampede in which a person is seriously injured. If Priya knew that the act of theft could likely cause such a panic and resultant injury, she would be liable for the grievous hurt caused, even though her original intention was only theft.

Section 54: Abettor present when offence is committed.

Whenever any person, who is absent would be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

Simplified Acts

If someone helps or encourages another person to commit a crime and is present when the crime happens, they will be considered as having committed the crime themselves.

Explanation using Example

Example 1:

Ravi and Suresh plan to rob a bank. Ravi provides Suresh with the necessary tools and a detailed plan on how to execute the robbery. On the day of the robbery, Ravi accompanies Suresh to the bank but stays outside to keep watch. Suresh goes inside and commits the robbery. According to Section 54 of The Bharatiya Nyaya Sanhita 2023, Ravi, who is present at the scene, will be deemed to have committed the robbery along with Suresh, even though he did not physically enter the bank.

Example 2:

Priya and Anil conspire to cheat in a university exam. Priya obtains the exam papers in advance and shares them with Anil. On the day of the exam, Priya sits in the exam hall and helps Anil by signaling the answers. Anil writes the exam using the answers provided by Priya. Under Section 54 of The Bharatiya Nyaya Sanhita 2023, Priya, who is present in the exam hall, will be considered to have committed the act of cheating along with Anil, even though she did not write the exam herself.

Section 55: Abetment of offence punishable with death or imprisonment for life.

Whoever abets the commission of an offence punishable with death or imprisonment for life, shall, if that offence be not committed in consequence of the abetment, and no express provision is made under this Sanhita for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Illustration

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or imprisonment for life. Therefore, A is liable to imprisonment for a term which may extend to seven years and also to a fine; and if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

Simplified Acts

If someone helps or encourages another person to commit a crime that is punishable by death or life imprisonment, but the crime does not actually happen because of that help or encouragement, and there is no specific punishment mentioned in this code for such a case, then the person who helped can be punished with imprisonment for up to seven years and may also have to pay a fine. If the help or encouragement leads to an action that hurts someone, the helper can be punished with imprisonment for up to fourteen years and may also have to pay a fine.

Example

A encourages B to murder Z. The murder does not happen. If B had murdered Z, B would face death or life imprisonment. Therefore, A can be punished with imprisonment for up to seven years and may also have to pay a fine. If Z is hurt because of A's encouragement, A can be punished with imprisonment for up to fourteen years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a businessman, has a rivalry with another businessman, Suresh. Ravi hires a hitman, Arjun, and instigates him to kill Suresh. Arjun agrees but later changes his mind and does not go through with the murder. Since the murder was not committed, Ravi can still be punished for abetment. According to Section 55 of The Bharatiya Nyaya Sanhita 2023, Ravi can be sentenced to imprisonment for up to seven years and may also be fined.

Example 2:

Priya, out of jealousy, convinces her friend, Meera, to poison their mutual friend, Anjali. Meera attempts to poison Anjali but only manages to cause her severe stomach pain and hospitalization. Although Anjali does not die, the act of poisoning caused her hurt. In this case, Priya, who abetted the crime, can be

punished with imprisonment for up to fourteen years and may also be fined, as the abetment led to hurt being caused to Anjali.

Section 56: Abetment of offence punishable with imprisonment.

Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made under this Sanhita for the punishment of such abetment, be punished with imprisonment of any description provided for that offence for a term which may extend to one-fourth part of the longest term provided for that offence; or with such fine as is provided for that offence, or with both; and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations

(a) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this section, and is punishable accordingly.

(b) A, a police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(c) B abets the commission of a robbery by A, a police officer, whose duty it is to prevent that offence. Here, though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

Simplified Acts

If someone helps another person to commit a crime that can lead to imprisonment, and the crime does not actually happen because of their help, and there is no specific punishment mentioned for this kind of help in this law, then the helper can be punished. The punishment can be:

Imprisonment for up to one-fourth of the longest time someone could be imprisoned for that crime.

A fine as mentioned for that crime.

Both imprisonment and a fine.

If the helper or the person they helped is a public servant (like a police officer) whose job is to stop such crimes, the helper can be punished more severely. The punishment can be:

Imprisonment for up to one-half of the longest time someone could be imprisoned for that crime.

A fine as mentioned for that crime.

Both imprisonment and a fine.

Examples

(a) A tells B to lie in court. Even if B does not lie, A has still committed a crime and can be punished.

(b) A, a police officer, whose job is to stop robberies, helps someone plan a robbery. Even if the robbery does not happen, A can be punished with up to half the longest prison term for robbery and a fine.

(c) B helps A, a police officer, whose job is to stop robberies, plan a robbery. Even if the robbery does not happen, B can be punished with up to half the longest prison term for robbery and a fine.

Explanation using Example

Example 1:

Ravi, a businessman, instigates his friend Suresh to commit fraud by falsifying financial documents to secure a loan from a bank. Suresh, however, decides not to go through with the plan and does not falsify the documents. Despite the fraud not being committed, Ravi has abetted the offence of fraud. Under Section 56 of the Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to one-fourth of the longest term provided for the offence of fraud, or with a fine, or both.

Example 2:

Inspector Sharma, a police officer, whose duty is to prevent theft, encourages his acquaintance, Raj, to steal a motorbike from a parking lot. Raj, however, gets cold feet and does not steal the motorbike. Even though the theft was not committed, Inspector Sharma has abetted the offence of theft. Since Inspector Sharma is a public servant whose duty it is to prevent such offences, he can be

punished with imprisonment for up to one-half of the longest term provided for the offence of theft, or with a fine, or both.

Example 3:

Priya, a teacher, encourages her student, Anil, to cheat in the upcoming board exams by providing him with the answers beforehand. Anil, feeling guilty, decides not to use the answers and writes the exam honestly. Despite Anil not cheating, Priya has abetted the offence of cheating in an examination. Under Section 56, Priya can be punished with imprisonment for up to one-fourth of the longest term provided for the offence of cheating, or with a fine, or both.

Example 4:

Officer Mehta, a customs officer, whose duty is to prevent smuggling, advises his friend, Vikram, on how to smuggle gold into the country without getting caught. Vikram, however, decides against smuggling the gold. Even though the smuggling was not carried out, Officer Mehta has abetted the offence of smuggling. As a public servant whose duty it is to prevent such offences, Officer Mehta can be punished with imprisonment for up to one-half of the longest term provided for the offence of smuggling, or with a fine, or both.

Section 57: Abetting commission of offence by public or by more than ten persons.

Whoever abets the commission of an offence by the public generally or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to seven years and with fine.

Illustration

A affixes in a public place a placard instigating a sect consisting of more than ten members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this section.

Simplified Acts

Anyone who encourages a group of more than ten people to commit a crime will be punished with up to seven years in prison and a fine.

Example

If A puts up a sign in a public place that encourages a group of more than ten people to meet at a specific time and place to attack members of another group during a procession, A has committed the crime described in this section.

Explanation using Example

Example 1:

Ravi, a local leader, distributes pamphlets in a crowded market area urging a group of more than ten people to gather at a specific location to vandalize a government office in protest against a new policy. Ravi's actions constitute abetment under Section 57 of The Bharatiya Nyaya Sanhita 2023, and he can be punished with imprisonment for up to seven years and a fine.

Example 2:

Priya, a social media influencer, posts a video encouraging her followers, who number in the thousands, to participate in a violent demonstration against a rival community. The video goes viral, and more than ten people act on her instigation, leading to a clash. Priya's act of abetment falls under Section 57 of The Bharatiya Nyaya Sanhita 2023, making her liable for imprisonment up to seven years and a fine.

Section 58: Concealing design to commit offence punishable with death or imprisonment for life.

Whoever intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with death or imprisonment for life, voluntarily conceals by any act or omission, or by the use of encryption or any other information hiding tool, the existence of a design to commit such offence or makes any representation which he knows to be false respecting such design shall,--

(a) if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years; or

(b) if the offence be not committed, with imprisonment of either description, for a term which may extend to three years,

and shall also be liable to fine.

Illustration

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate with intent to facilitate the commission of the offence. The dacoity is committed at B in pursuance of the design. A is punishable under this section.

Simplified Acts

If someone, knowing that they might help in committing a serious crime (like one punishable by death or life imprisonment), hides the plan to commit the crime or lies about it, they will face the following consequences:

(a) If the crime is actually committed, they can be sent to prison for up to seven years.

(b) If the crime is not committed, they can be sent to prison for up to three years.

In both cases, they may also have to pay a fine.

Example

A knows that a robbery is about to happen at place B. A lies to the Magistrate, saying that the robbery will happen at place C, which is in the opposite direction, to mislead the Magistrate and help the robbery happen. The robbery then happens at place B as planned. A can be punished under this law.

Explanation using Example

Example 1:

Ravi learns that his friend, Arjun, is planning to commit a murder, which is punishable by death or life imprisonment. Ravi, instead of reporting this to the police, decides to help Arjun by hiding the weapon that Arjun intends to use. By doing this, Ravi is concealing the design to commit the offence. If Arjun goes ahead and commits the murder, Ravi can be punished with imprisonment for up to seven years under Section 58 of the Bharatiya Nyaya Sanhita 2023. If Arjun does not commit the murder, Ravi can still be punished with imprisonment for up to three years.

Example 2:

Priya knows that a terrorist attack is being planned in Mumbai, which is an offence punishable by death or life imprisonment. Instead of informing the

authorities, Priya uses encrypted messages to communicate with the terrorists, helping them to avoid detection. If the terrorist attack is carried out, Priya can be punished with imprisonment for up to seven years. If the attack is not carried out, she can still be punished with imprisonment for up to three years, as she concealed the design to commit the offence.

Section 59: Public servant concealing design to commit offence which it is his duty to prevent.

Whoever, being a public servant, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence which it is his duty as such public servant to prevent, voluntarily conceals, by any act or omission or by the use of encryption or any other information hiding tool, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design shall,--

(a) if the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both; or

(b) if the offence be punishable with death or imprisonment for life, with imprisonment of either description for a term which may extend to ten years; or

(c) if the offence be not committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment or with such fine as is provided for the offence, or with both.

Illustration

A, an officer of police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information, with intent to so facilitate the commission of that offence.

Here A has by an illegal omission concealed the existence of B's design, and is liable to punishment according to the provision of this section.

Simplified Acts

If a public servant (like a government employee) knows about a plan to commit a crime that they are supposed to prevent, and they intentionally hide this information, they can be punished. This hiding can be done by not acting, using encryption, or any other method to hide the information. The punishments are as follows:

(a) If the crime actually happens, the public servant can be jailed for up to half the maximum time that the crime itself would get, or fined, or both.

(b) If the crime is something very serious like one that could get the death penalty or life in prison, the public servant can be jailed for up to ten years.

(c) If the crime does not happen, the public servant can be jailed for up to one-fourth of the maximum time that the crime would get, or fined, or both.

Example

A police officer, who is supposed to report any plans to commit robbery that they know about, finds out that B is planning a robbery. If the officer does not report this information on purpose to help B commit the robbery, the officer has broken the law by hiding this information and can be punished according to the rules mentioned above.

Explanation using Example

Example 1:

Ravi is a police inspector in Mumbai. He learns through an informant that a local gang is planning to rob a bank in his jurisdiction. As a police officer, it is Ravi's duty to report and prevent such crimes. However, Ravi, who is secretly in league with the gang, decides not to report this information to his superiors. Instead, he uses encrypted messages to communicate with the gang, ensuring that their plan remains hidden. The gang successfully robs the bank. Under Section 59 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to one-half of the longest term of imprisonment prescribed for the robbery, or with a fine, or both.

Example 2:

Sunita is a customs officer at the Chennai port. She discovers that a shipment contains illegal drugs and knows that it is her duty to report this to the authorities. However, Sunita is bribed by the smugglers to keep this information secret. She deliberately omits to report the illegal shipment and

allows it to pass through customs. Later, the shipment is intercepted by another officer, and the smugglers are caught. Since the offence of drug smuggling is punishable with life imprisonment, Sunita, under Section 59 of The Bharatiya Nyaya Sanhita 2023, can be punished with imprisonment for up to ten years.

Example 3:

Ajay is a government IT officer who has access to sensitive information about a planned cyber-attack on a government database. He knows it is his duty to prevent such attacks. However, Ajay, who has been blackmailed by the attackers, uses his technical skills to hide the existence of the attack plan by deleting logs and using encryption tools. The cyber-attack is eventually thwarted by another team before it can cause any damage. Since the offence was not committed, Ajay can be punished with imprisonment for up to one-fourth of the longest term of imprisonment prescribed for the cyber-attack, or with a fine, or both, under Section 59 of The Bharatiya Nyaya Sanhita 2023.

Section 60: Concealing design to commit offence punishable with imprisonment. Of criminal conspiracy

Whoever, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design shall,--

(a) if the offence be committed, be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth ; and

(b) if the offence be not committed, to one-eighth, of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

Of criminal conspiracy

Simplified Acts

If someone helps or knows they are likely helping to commit a crime that can lead to jail time, and they:

(a) Hide the plan to commit the crime or lie about it, they will be punished with up to one-fourth of the jail time that the crime itself would get if the crime is actually committed.

(b) If the crime is not committed, they will be punished with up to one-eighth of the longest jail time for that crime, or a fine, or both.

About criminal conspiracy

Explanation using Example

Example 1:

Rahul learns that his friend, Amit, is planning to rob a bank. Rahul knows that robbing a bank is a serious crime punishable with imprisonment. Instead of reporting Amit's plan to the authorities, Rahul decides to keep it a secret and even helps Amit by providing him with information about the bank's security system. The robbery is eventually carried out, and Amit is caught. Under Section 60 of the Bharatiya Nyaya Sanhita 2023, Rahul can be punished with imprisonment for up to one-fourth of the term prescribed for the robbery because he concealed the design to commit the offence and facilitated its commission.

Example 2:

Priya overhears a conversation where her colleague, Sunil, is planning to embezzle funds from their company. Priya knows that embezzlement is a crime punishable with imprisonment. She decides not to inform anyone about Sunil's plan, thinking it is none of her business. Sunil's plan, however, fails, and he is unable to embezzle the funds. Under Section 60 of the Bharatiya Nyaya Sanhita 2023, Priya can still be punished with imprisonment for up to one-eighth of the term prescribed for embezzlement or with a fine, or both, because she concealed the design to commit the offence, even though the offence was not ultimately committed.

Section 61: Criminal conspiracy.

(1) When two or more persons agree with the common object to do, or cause to be done--

(a) an illegal act; or

(b) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation: It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

(2) Whoever is a party to a criminal conspiracy,--

(a) to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Sanhita for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence;

(b) other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

Simplified Acts

Criminal Conspiracy

(1) When two or more people agree to do, or cause to be done--

(a) something illegal; or

(b) something that is not illegal by using illegal methods, this agreement is called a criminal conspiracy:

However, just agreeing to commit an offence is not enough to be considered a criminal conspiracy unless at least one person involved does something to further the agreement.

Explanation: It doesn't matter if the illegal act is the main goal of the agreement or just a part of it.

(2) Anyone who is part of a criminal conspiracy,--

(a) to commit a crime that is punishable by death, life imprisonment, or rigorous imprisonment for two years or more, will be punished the same way as if they had helped commit the crime, if there is no specific punishment mentioned for the conspiracy in this law;

(b) for any other criminal conspiracy will be punished with imprisonment for up to six months, or a fine, or both.

Explanation using Example

Example 1:

Ravi and Suresh plan to rob a bank. They agree to meet at a specific location to discuss the details and assign roles. Ravi is supposed to disable the security system, while Suresh will handle the cash. They purchase tools and masks for the robbery. Even though they haven't yet committed the robbery, their agreement and preparatory actions constitute a criminal conspiracy under Section 61 of The Bharatiya Nyaya Sanhita 2023. If caught, they can be punished as if they had abetted the robbery.

Example 2:

Priya and Anil agree to cheat in their university exams by hacking into the university's computer system to obtain the question papers. They plan to use a software program to break into the system. Priya buys the software, and Anil gathers information about the university's computer network. Although they haven't yet hacked into the system, their agreement and preparatory actions amount to a criminal conspiracy. If caught, they can be punished with imprisonment for up to six months, a fine, or both, as their conspiracy involves an act that is not punishable with death, life imprisonment, or rigorous imprisonment for two years or more.

Section 62: Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment.

Whoever attempts to commit an offence punishable by this Sanhita with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Sanhita for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box, that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket. A is guilty under this section.

Simplified Acts

If someone tries to commit a crime that is punishable by this law with life imprisonment or any other type of imprisonment, or tries to make someone else commit such a crime, and does something towards committing the crime, they will be punished. If this law does not specifically say what the punishment for the attempt is, the person will be punished with imprisonment for up to half the time of the life imprisonment or the longest term of imprisonment for that crime, or with a fine, or both.

Examples

(a) A tries to steal some jewels by breaking open a box, but finds that there are no jewels inside. A has done something towards committing theft, so A is guilty under this section.

(b) A tries to pick Z's pocket by putting his hand into Z's pocket, but fails because there is nothing in Z's pocket. A is guilty under this section.

Explanation using Example

Example 1:

Ravi plans to rob a bank and gathers all necessary tools, including a gun and a mask. He enters the bank and demands money from the teller. However, before he can take any money, the police arrive and arrest him. Even though Ravi did not succeed in robbing the bank, he attempted to commit an offence punishable with imprisonment, and therefore, he is guilty under Section 62 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Sunita decides to murder her business rival, Rajesh. She buys poison and mixes it into Rajesh's drink at a party. However, Rajesh accidentally spills the drink before consuming it. Sunita's attempt to commit murder, an offence punishable with imprisonment for life, makes her guilty under Section 62 of The Bharatiya Nyaya Sanhita 2023, even though Rajesh did not drink the poison.

Example 3:

Manoj attempts to kidnap a child from a park. He lures the child with chocolates and tries to take the child to his car. However, the child's mother notices and intervenes, preventing the kidnapping. Manoj's actions towards committing the offence of kidnapping make him guilty under Section 62 of The Bharatiya Nyaya Sanhita 2023.

Example 4:

Priya tries to commit arson by setting fire to a neighbor's house. She pours gasoline around the house and lights a match. However, a passerby sees her and extinguishes the fire before it spreads. Priya's attempt to commit arson, an offence punishable with imprisonment, makes her guilty under Section 62 of The Bharatiya Nyaya Sanhita 2023.

Example 5:

Arjun plans to commit fraud by forging documents to claim ownership of a property. He creates fake documents and submits them to the land registry office. However, the forgery is detected before the property transfer is completed. Arjun's attempt to commit fraud makes him guilty under Section 62 of The Bharatiya Nyaya Sanhita 2023.

CHAPTER V: OF OFFENCES AGAINST WOMAN AND CHILD

Section 63: Rape.

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.

Simplified Acts

A man is said to commit "rape" if he -

(a) puts his penis, in any way, into the vagina, mouth, urethra, or anus of a woman or makes her do so with him or another person; or

(b) puts anything else, like an object or another part of the body (not the penis), into the vagina, urethra, or anus of a woman or makes her do so with him or another person; or

(c) touches any part of a woman's body to cause penetration into the vagina, urethra, anus, or any other part of her body, or makes her do so with him or another person; or

(d) puts his mouth on the vagina, anus, or urethra of a woman or makes her do so with him or another person,

under any of these situations: -

(i) against her will;

(ii) without her agreement;

(iii) with her agreement, but she agreed because she was afraid of death or being hurt;

(iv) with her agreement, but she agreed because she thought he was someone else she is legally married to or believes she is married to;

(v) with her agreement, but at the time, she was not in a clear state of mind (due to mental illness, being drunk, or being given drugs) and couldn't understand what she was agreeing to;

(vi) whether she agrees or not, if she is under 18 years old;

(vii) if she can't communicate her agreement.

Explanation 1. - "Vagina" also includes the outer parts (labia majora).

Explanation 2. - Consent means a clear and voluntary agreement when a woman shows willingness to participate in the specific sexual act by words, gestures, or any form of communication:

If a woman does not physically resist the act of penetration, it does not mean she is agreeing to the sexual activity.

Exception 1. - Medical procedures or treatments are not considered rape.

Exception 2. - Sexual intercourse or sexual acts by a man with his own wife, if she is not under 18 years old, is not considered rape.

Explanation using Example

Example 1:

Ravi, a 30-year-old man, forces himself on Priya, a 25-year-old woman, and penetrates her vagina with his penis without her consent. Priya repeatedly tells Ravi to stop and tries to push him away, but he continues. This act falls under Section 63(a)(i) of The Bharatiya Nyaya Sanhita 2023, as Ravi penetrated Priya against her will.

Example 2:

Aman, a 28-year-old man, tricks Neha, a 22-year-old woman, into believing that he is her husband by impersonating him in a dark room. Neha consents to sexual intercourse under the false belief that Aman is her husband. This situation falls under Section 63(a)(iv) of The Bharatiya Nyaya Sanhita 2023, as Neha's consent was obtained through deception.

Example 3:

Vikram, a 35-year-old man, inserts his fingers into the vagina of Anjali, a 17-year-old girl. Even though Anjali does not resist, she is under eighteen years of age. This act falls under Section 63(b)(vi) of The Bharatiya Nyaya Sanhita 2023, as any sexual act with a minor, with or without consent, is considered rape.

Example 4:

Rajesh, a 40-year-old man, forces his wife, who is 19 years old, to have sexual intercourse with him. Although she is reluctant and does not physically resist, she does not verbally consent either. This act does not fall under the exceptions provided in the act, as the wife is not under eighteen years of age, and her lack of physical resistance does not imply consent. Therefore, it falls under Section 63(a)(ii) of The Bharatiya Nyaya Sanhita 2023.

Example 5:

Suresh, a 32-year-old man, administers a drug to Meera, a 24-year-old woman, causing her to become unconscious. While Meera is unconscious, Suresh penetrates her vagina with his penis. This act falls under Section 63(a)(v) of The Bharatiya Nyaya Sanhita 2023, as Meera was unable to understand the nature and consequences of the act due to intoxication.

Example 6:

Karan, a 29-year-old man, forces his mouth onto the vagina of Ritu, a 26-year-old woman, without her consent. Ritu tries to push Karan away and tells him

to stop, but he continues. This act falls under Section 63(d)(ii) of The Bharatiya Nyaya Sanhita 2023, as Karan applied his mouth to Ritu's vagina without her consent.

Example 7:

Manoj, a 33-year-old man, manipulates the body of Sunita, a 21-year-old woman, to cause penetration into her vagina with an object. Sunita is unable to communicate her consent due to a physical disability. This act falls under Section 63(c)(vii) of The Bharatiya Nyaya Sanhita 2023, as Sunita was unable to communicate consent.

Section 64: Punishment for rape.

1. General Punishment

Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with 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.

2. Specific Circumstances and Enhanced Punishments

Whoever,

(a) being a police officer, commits rape,

(i) within the limits of the police station to which such police officer is appointed; or

(ii) in the premises of any station house; or

(iii) on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer;

(b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or

(c) being a member of the armed forces deployed in an area by the Central Government or a State Government commits rape in such area; or

(d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or

of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or

(e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or

(f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or

(g) commits rape during communal or sectarian violence; or

(h) commits rape on a woman knowing her to be pregnant; or

(i) commits rape on a woman incapable of giving consent; or

(j) being in a position of control or dominance over a woman, commits rape on such woman; or

(k) commits rape on a woman suffering from mental or physical disability; or

(l) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or

(m) commits rape repeatedly on the same woman,

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.

3. Explanation

For the purposes of this sub-section,

(a) "armed forces" means the naval, army and air forces and includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government;

(b) "hospital" means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation;

(c) "police officer" shall have the same meaning as assigned to the expression "police" under the Police Act, 1861;

(d) "women's or children's institution" means an institution, whether called an orphanage or a home for neglected women or children or a widow's home or an institution called by any other name, which is established and maintained for the reception and care of women or children.

Simplified Acts

1. General Punishment

Anyone who commits rape, except in specific cases mentioned in section 2, will be punished with strict imprisonment for at least ten years. The imprisonment can extend to a life sentence, and they may also have to pay a fine.

2. Specific Circumstances and Enhanced Punishments

Anyone who:

(a) Is a police officer and commits rape:

(i) within the area of their police station; or

(ii) in any police station premises; or

(iii) on a woman in their custody or in the custody of another officer they supervise;

(b) Is a public servant and commits rape on a woman in their custody or in the custody of another public servant they supervise; or

(c) Is a member of the armed forces deployed by the government and commits rape in that area; or

(d) Is part of the management or staff of a jail, remand home, or other legal custody place, or a women's or children's institution, and commits rape on any inmate; or

(e) Is part of the management or staff of a hospital and commits rape on a woman in that hospital; or

(f) Is a relative, guardian, teacher, or someone in a position of trust or authority over the woman and commits rape; or

(g) Commits rape during communal or sectarian violence; or

(h) Commits rape knowing the woman is pregnant; or

- (i) Commits rape on a woman who cannot give consent; or
- (j) Is in a position of control or dominance over a woman and commits rape; or
- (k) Commits rape on a woman with a mental or physical disability; or
- (l) Causes serious physical harm, disfigurement, or endangers the woman's life while committing rape; or
- (m) Commits rape repeatedly on the same woman,

will be punished with strict imprisonment for at least ten years. This can extend to a life sentence, meaning imprisonment for the rest of their natural life, and they may also have to pay a fine.

3. Explanation

For this section:

- (a) "Armed forces" include the navy, army, and air forces, as well as paramilitary and auxiliary forces under government control.
- (b) "Hospital" includes the entire hospital premises and any place for medical treatment or rehabilitation.
- (c) "Police officer" has the same meaning as defined in the Police Act, 1861.
- (d) "Women's or children's institution" refers to any place established for the care of women or children, such as orphanages or homes for neglected women or children.

Explanation using Example

Example 1:

Ravi, a 35-year-old police officer, is stationed at a local police station in Mumbai. One night, he arrests a woman named Priya on suspicion of theft and brings her to the police station. While she is in custody, Ravi rapes Priya in one of the station rooms. Under Section 64 of the Bharatiya Nyaya Sanhita 2023, Ravi's actions fall under the specific circumstances of a police officer committing rape within the limits of his police station. Ravi would face rigorous imprisonment for a term not less than ten years, which could extend to life imprisonment, and he would also be liable to pay a fine.

Example 2:

Sunil, a 40-year-old doctor, works at a hospital in Delhi. One evening, a pregnant woman named Anjali is admitted to the hospital for a routine check-up. Taking advantage of his position, Sunil rapes Anjali in one of the hospital rooms. Under Section 64 of the Bharatiya Nyaya Sanhita 2023, Sunil's actions fall under the specific circumstances of a hospital staff member committing rape on a woman in the hospital, and also on a woman known to be pregnant. Sunil would face rigorous imprisonment for a term not less than ten years, which could extend to life imprisonment, and he would also be liable to pay a fine.

Example 3:

Ramesh, a 50-year-old teacher, is trusted by his community and teaches at a local school in Bangalore. He has been tutoring a 16-year-old girl named Meera at her home. One day, Ramesh takes advantage of his position of trust and authority and rapes Meera. Under Section 64 of the Bharatiya Nyaya Sanhita 2023, Ramesh's actions fall under the specific circumstances of a person in a position of trust or authority committing rape. Ramesh would face rigorous imprisonment for a term not less than ten years, which could extend to life imprisonment, and he would also be liable to pay a fine.

Example 4:

Arjun, a 28-year-old soldier, is deployed in a conflict area in Jammu and Kashmir. During a patrol, he encounters a woman named Shazia and rapes her. Under Section 64 of the Bharatiya Nyaya Sanhita 2023, Arjun's actions fall under the specific circumstances of a member of the armed forces committing rape in an area where they are deployed. Arjun would face rigorous imprisonment for a term not less than ten years, which could extend to life imprisonment, and he would also be liable to pay a fine.

Example 5:

Vikram, a 45-year-old businessman, has a domestic worker named Sita who is mentally disabled. One day, Vikram rapes Sita in his home. Under Section 64 of the Bharatiya Nyaya Sanhita 2023, Vikram's actions fall under the specific circumstances of committing rape on a woman suffering from a mental disability. Vikram would face rigorous imprisonment for a term not less than ten years, which could extend to life imprisonment, and he would also be liable to pay a fine.

Section 65: Punishment for rape in certain cases.

(1) Whoever, commits rape on a woman under sixteen years of age shall be 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:

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.

(2) Whoever, commits rape on a woman under twelve years of age shall be 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.

Simplified Acts

Section on Rape

(1) If someone rapes a girl who is under sixteen years old, they will be punished with at least twenty years in prison. This prison time can be extended to a life sentence, which means they will stay in prison for the rest of their life. They will also have to pay a fine:

The fine should be fair and enough to cover the victim's medical expenses and help her recover:

The fine must be given to the victim.

(2) If someone rapes a girl who is under twelve years old, they will be punished with at least twenty years in prison. This prison time can be extended to a life sentence, which means they will stay in prison for the rest of their life. They can also be punished with a fine or the death penalty:

The fine should be fair and enough to cover the victim's medical expenses and help her recover:

The fine must be given to the victim.

Explanation using Example

Example 1:

Ravi, a 30-year-old man, was found guilty of raping a 15-year-old girl named Meera. According to Section 65 of The Bharatiya Nyaya Sanhita 2023, Ravi was sentenced to rigorous imprisonment for 20 years. Additionally, the court imposed a fine of ₹5,00,000 to cover Meera's medical expenses and rehabilitation. This fine was directly paid to Meera to support her recovery.

Example 2:

Ajay, a 35-year-old man, was convicted of raping an 11-year-old girl named Anjali. Under Section 65 of The Bharatiya Nyaya Sanhita 2023, Ajay was sentenced to life imprisonment, meaning he will spend the rest of his natural life in prison. The court also imposed a fine of ₹10,00,000 to cover Anjali's medical expenses and rehabilitation. This fine was paid directly to Anjali to assist her in her recovery process. Given the severity of the crime, the court also had the option to impose the death penalty, but in this case, opted for life imprisonment.

Section 66: Punishment for causing death or resulting in persistent vegetative state of victim.

Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of section 64 and in the course of such commission inflicts an injury which causes the death of the woman or causes the woman to be in a persistent vegetative state, shall be 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.

Simplified Acts

If someone commits a crime under section 64(1) or section 64(2) and, during that crime, they hurt a woman so badly that she dies or ends up in a long-term coma, they will face serious punishment.

The punishment will be at least 20 years in prison.

The prison term can be extended to life imprisonment, which means the person will stay in prison for the rest of their life.

In some cases, the person may even be sentenced to death.

Explanation using Example

Example 1:

Ravi, a 35-year-old man, forcibly takes his neighbor, Priya, into his house and sexually assaults her. During the assault, he inflicts severe head injuries on Priya. As a result of these injuries, Priya falls into a persistent vegetative state, unable to communicate or perform basic functions independently. Under Section 66 of The Bharatiya Nyaya Sanhita 2023, Ravi is charged with causing Priya to be in a persistent vegetative state while committing a sexual offence. He is sentenced to rigorous imprisonment for life, meaning he will spend the rest of his natural life in prison.

Example 2:

Sunil, a 40-year-old man, kidnaps a young woman named Anjali with the intent to sexually assault her. During the assault, Sunil strangles Anjali, causing her death. Under Section 66 of The Bharatiya Nyaya Sanhita 2023, Sunil is charged with causing the death of Anjali while committing a sexual offence. The court finds him guilty and sentences him to death, given the severity of his crime and the circumstances under which it was committed.

Section 67: Sexual intercourse by husband upon his wife during separation.

Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.

Explanation. - In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 63.

Simplified Acts

If a man has sex with his wife without her consent while they are living apart, whether by a court order or for any other reason, he can be sent to prison for at least two years and up to seven years. He may also have to pay a fine.

Explanation. - In this section, "sexual intercourse" includes any of the acts listed in clauses (a) to (d) of section 63.

Explanation using Example

Example 1:

Ravi and Priya have been married for five years, but due to ongoing marital issues, they decided to live separately. Priya moved to her parents' house, and they are in the process of getting a legal separation. One evening, Ravi visits Priya's parents' house and forces himself on her without her consent. Under Section 67 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with sexual intercourse by husband upon his wife during separation. If found guilty, Ravi could face imprisonment for a term between two to seven years and may also be liable to pay a fine.

Example 2:

Sunil and Anjali have been living separately for six months due to a court decree of judicial separation. One night, Sunil enters Anjali's apartment without her permission and engages in sexual intercourse with her against her will. Anjali reports the incident to the police. Under Section 67 of The Bharatiya Nyaya Sanhita 2023, Sunil's actions constitute a criminal offense as he had sexual intercourse with his wife without her consent while they were living separately. Sunil could be sentenced to imprisonment for a period ranging from two to seven years and may also be required to pay a fine.

Section 68: Sexual intercourse by a person in authority.

Whoever, being -

(a) in a position of authority or in a fiduciary relationship; or

(b) a public servant; or

(c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women's or children's institution; or

(d) on the management of a hospital or being on the staff of a hospital, abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description 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.

Explanation 1

In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 63.

Explanation 2

For the purposes of this section, Explanation 1 to section 63 shall also be applicable.

Explanation 3

"Superintendent", in relation to a jail, remand home or other place of custody or a women's or children's institution, includes a person holding any other office in such jail, remand home, place or institution by virtue of which such person can exercise any authority or control over its inmates.

Explanation 4

The expressions "hospital" and "women's or children's institution" shall respectively have the same meanings as in clauses (b) and (d) of the Explanation to sub-section (2) of section 64.

Simplified Acts

Whoever, being -

(a) in a position of authority or in a trusted relationship; or

(b) a public servant; or

(c) in charge of a jail, remand home, or any other place where people are kept by law, or a women's or children's institution; or

(d) managing or working at a hospital,

uses their position or trust to persuade or force any woman in their care or on the premises to have sexual intercourse with them, which does not count as rape, will be punished with strict imprisonment for at least five years, but it can go up to ten years, and they may also have to pay a fine.

Explanation 1

In this section, "sexual intercourse" means any of the acts listed in clauses (a) to (d) of section 63.

Explanation 2

For this section, the first explanation of section 63 also applies.

Explanation 3

"Superintendent" in relation to a jail, remand home, or other place of custody, or a women's or children's institution, includes anyone who has any authority or control over the inmates because of their position.

Explanation 4

The terms "hospital" and "women's or children's institution" have the same meanings as in clauses (b) and (d) of the explanation to sub-section (2) of section 64.

Explanation using Example

Example 1:

Ravi is a senior police officer in a small town in India. He is well-respected and holds significant authority in the community. One day, he encounters Priya, a young woman who has come to the police station to file a complaint. Ravi, taking advantage of his position of authority, coerces Priya into having sexual intercourse with him by threatening to dismiss her complaint if she refuses. Under Section 68 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged and punished for abusing his position of authority to induce Priya into sexual intercourse.

Example 2:

Dr. Sharma is a renowned surgeon and the head of a major hospital in Delhi. He is responsible for the well-being of many patients, including Anjali, a young woman admitted for surgery. Dr. Sharma, exploiting his position and the trust Anjali has in him as her doctor, seduces her into having sexual intercourse

with him by promising her better medical care and faster recovery. According to Section 68 of The Bharatiya Nyaya Sanhita 2023, Dr. Sharma can be prosecuted for abusing his position on the hospital staff to seduce Anjali into sexual intercourse.

Section 69: Sexual intercourse by employing deceitful means, etc.

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

Simplified Acts

Anyone who tricks a woman into having sex with them, or promises to marry her without actually planning to do so, and has sex with her (but it is not considered rape), can be punished with up to ten years in prison and may also have to pay a fine.

Explanation. - "Tricks" include things like falsely promising a job or a promotion, or hiding one's true identity to get married.

Explanation using Example

Example 1:

Rahul meets Priya at a social event and they start dating. Over time, Rahul convinces Priya that he loves her and promises to marry her. Based on this promise, Priya agrees to have sexual intercourse with Rahul. However, Rahul never had any intention of marrying Priya and was only using the promise to deceive her into a sexual relationship. When Priya finds out that Rahul never intended to marry her, she feels betrayed and reports the matter to the police. Under Section 69 of The Bharatiya Nyaya Sanhita 2023, Rahul can be punished for having sexual intercourse with Priya by employing deceitful means.

Example 2:

Ankit, a manager at a company, tells his subordinate, Meera, that he can secure her a promotion if she agrees to have sexual intercourse with him. Believing that this will help her career, Meera reluctantly agrees. However, after the act, Meera discovers that Ankit had no real influence over promotions and had lied to her to exploit her sexually. Meera reports Ankit's deceitful behavior to the authorities. Under Section 69 of The Bharatiya Nyaya Sanhita 2023, Ankit can be punished for using deceitful means to have sexual intercourse with Meera.

Section 70: Gang rape.

(1) Where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be 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:

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.

(2) Where a woman under eighteen years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with 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.

Simplified Acts

(1) If a woman is raped by a group of people or people working together, each of them is considered to have committed rape. They will be punished with at least twenty years in prison, but they could be sentenced to life in prison, which

means they will stay in prison for the rest of their life. They will also have to pay a fine:

The fine should be fair and enough to cover the victim's medical expenses and help her recover:

The fine must be given to the victim.

(2) If a girl under eighteen years old is raped by a group of people or people working together, each of them is considered to have committed rape. They will be punished with life in prison, meaning they will stay in prison for the rest of their life, and with a fine, or they could be sentenced to death:

The fine should be fair and enough to cover the victim's medical expenses and help her recover:

The fine must be given to the victim.

Explanation using Example

Example 1:

A group of four men, Raj, Amit, Suresh, and Vikram, conspired to rape a woman named Priya. They planned and executed the crime together, each playing a role in the assault. Under Section 70 of the Bharatiya Nyaya Sanhita 2023, all four men are considered to have committed the offence of gang rape. Each of them is subject to rigorous imprisonment for a term not less than twenty years, which may extend to life imprisonment, meaning they could be imprisoned for the rest of their natural lives. Additionally, they are required to pay a fine that is just and reasonable to cover Priya's medical expenses and rehabilitation. The fine collected will be paid directly to Priya.

Example 2:

A 16-year-old girl named Anjali was raped by a group of three men, Rohit, Manish, and Deepak, who acted together with a common intention. Since Anjali is under eighteen years of age, under Section 70 of the Bharatiya Nyaya Sanhita 2023, each of the three men is deemed to have committed the offence of gang rape. They are subject to life imprisonment, meaning they will be imprisoned for the remainder of their natural lives, or they could face the death penalty. Additionally, they must pay a fine that is just and reasonable to cover Anjali's medical expenses and rehabilitation. The fine collected will be paid directly to Anjali.

Section 71: Punishment for repeat offenders.

Whoever has been previously convicted of an offence punishable under section 64 or section 65 or section 66 or section 70 and is subsequently convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.

Simplified Acts

If someone has already been found guilty of a crime under section 64, 65, 66, or 70 and is found guilty again of a crime under any of these sections, they will face very serious punishment.

The punishment can be either: a. Life in prison, which means they will stay in prison for the rest of their life, or b. The death penalty.

Explanation using Example

Example 1:

Ravi was convicted under Section 64 of The Bharatiya Nyaya Sanhita 2023 for committing a serious sexual offence against a woman. He served a 10-year prison sentence and was released. Two years after his release, Ravi was again found guilty of committing a similar offence under Section 65. According to Section 71, since Ravi is a repeat offender, he is now sentenced to life imprisonment, meaning he will spend the rest of his natural life in prison.

Example 2:

Sunil was previously convicted under Section 66 for a sexual offence against a child and served a 15-year sentence. After his release, he was convicted again under Section 70 for another sexual offence against a woman. Given that Sunil is a repeat offender under the specified sections, Section 71 mandates that he be punished with either life imprisonment for the remainder of his natural life or the death penalty. The court, considering the severity of his repeated offences, sentences him to life imprisonment.

Section 72: Disclosure of identity of victim of certain offences, etc.

Section on Identity Protection

(1) Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under section 64 or

section 65 or section 66 or section 67 or section 68 or section 69 or section 70 or section 71 is alleged or found to have been committed (hereafter in this section referred to as the victim) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

(2) Nothing in sub-section (1) extends to any printing or publication of the name or any matter which may make known the identity of the victim if such printing or publication is -

(a) by or under the order in writing of the officer-in-charge of the police station or the police officer making the investigation into such offence acting in good faith for the purposes of such investigation; or

(b) by, or with the authorisation in writing of, the victim; or

(c) where the victim is dead or a child or of unsound mind, by, or with the authorisation in writing of, the next of kin of the victim:

Provided that no such authorisation shall be given by the next of kin to anybody other than the chairman or the secretary, by whatever name called, of any recognised welfare institution or organisation.

Explanation: For the purposes of this sub-section, "recognised welfare institution or organisation" means a social welfare institution or organisation recognised in this behalf by the Central Government or the State Government.

Simplified Acts

(1) If anyone prints or publishes the name or any information that can reveal the identity of a person who is a victim of crimes listed in sections 64 to 71, they can be punished with up to two years in prison and may also have to pay a fine.

(2) The rule in sub-section (1) does not apply if the printing or publication of the victim's identity is:

(a) Done by or under the written order of the police officer in charge of the investigation, acting in good faith for the purpose of the investigation; or

(b) Done by or with the written permission of the victim; or

(c) If the victim is dead, a child, or mentally incapacitated, done by or with the written permission of the victim's next of kin:

Provided that the next of kin can only give permission to the chairman or secretary of a recognized welfare institution or organization.

Explanation: A "recognized welfare institution or organization" is a social welfare group that is officially recognized by the Central Government or the State Government.

Explanation using Example

Example 1:

Rita, a 25-year-old woman, was a victim of sexual assault under Section 64 of The Bharatiya Nyaya Sanhita 2023. A local newspaper, in an attempt to report the crime, published her name and address. This act of publishing her identity without her consent or any legal authorization is a violation of Section 72. The editor of the newspaper could be punished with imprisonment for up to two years and may also be liable to pay a fine.

Example 2:

A 14-year-old boy, Arjun, was a victim of an offence under Section 67 of The Bharatiya Nyaya Sanhita 2023. During the investigation, the police officer in charge needed to publish certain details to gather more evidence and witnesses. The officer obtained a written order from the police station's officer-in-charge to publish Arjun's identity for the purpose of the investigation. This publication is legally permissible under Section 72(2)(a) as it was done in good faith for the investigation.

Example 3:

Meera, a 30-year-old woman, was a victim of an offence under Section 70 of The Bharatiya Nyaya Sanhita 2023. She decided to share her story publicly to raise awareness and authorized a journalist in writing to publish her name and details. This act of publication is legally permissible under Section 72(2)(b) as it was done with the victim's written authorization.

Example 4:

Rohan, a 10-year-old boy, was a victim of an offence under Section 66 of The Bharatiya Nyaya Sanhita 2023. Unfortunately, Rohan is of unsound mind and cannot provide consent. His parents, being his next of kin, authorized a recognized welfare organization to publish his identity to seek public support and assistance. This publication is legally permissible under Section 72(2)(c) as

it was done with the written authorization of the next of kin and the welfare organization is recognized by the government.

Section 73: Printing or publishing of any matter relating to Court proceedings without permission.

Whoever prints or publishes any matter in relation to any proceeding before a Court with respect to an offence referred to in section 72 without the previous permission of such Court shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Explanation. - The printing or publication of the judgment of any High Court or the Supreme Court does not amount to an offence within the meaning of this section.

Simplified Acts

If anyone prints or publishes information about a court case related to an offense mentioned in section 72 without getting permission from the court first, they can be punished with up to two years in prison and may also have to pay a fine.

Explanation: Printing or publishing the judgment of any High Court or the Supreme Court is not considered an offense under this section.

Explanation using Example

Example 1:

Ravi, a journalist for a local newspaper, writes an article about an ongoing court case involving a high-profile sexual harassment incident. Without obtaining prior permission from the court, he publishes details of the victim's testimony and the accused's defense. As a result, Ravi is charged under Section 73 of The Bharatiya Nyaya Sanhita 2023 for printing and publishing matter related to court proceedings without permission. He faces the possibility of up to two years in prison and a fine.

Example 2:

Meera, a blogger, posts a detailed account of a child abuse case that is currently being heard in court. She includes sensitive information about the child victim and the accused, aiming to raise awareness about the issue. However, she does not seek the court's permission before publishing this

information. Consequently, Meera is prosecuted under Section 73 of The Bharatiya Nyaya Sanhita 2023 for publishing matter related to court proceedings without prior court approval. She could be sentenced to up to two years in prison and fined.

Example 3:

A news channel broadcasts a special report on a rape case that is under trial, revealing the identities of both the victim and the accused, along with specific details of the court proceedings. The channel did not obtain permission from the court to air this information. The channel's editor-in-chief is subsequently charged under Section 73 of The Bharatiya Nyaya Sanhita 2023 for publishing matter related to court proceedings without the court's consent. The editor-in-chief faces potential imprisonment of up to two years and a fine.

Example 4:

An online news portal publishes an article summarizing the judgment of the Supreme Court in a landmark sexual assault case. Since the publication is of the judgment itself and not the ongoing proceedings, it does not fall under the purview of Section 73 of The Bharatiya Nyaya Sanhita 2023. Therefore, the portal is not liable for any punishment under this section.

Of criminal force and assault against woman

Section 74: Assault or use of criminal force to woman with intent to outrage her modesty.

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.

Simplified Acts

If someone attacks or uses force on a woman with the intention of insulting her or knowing that it will likely insult her, they will be punished.

The punishment will be jail time for at least one year and up to five years.

The person may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a 30-year-old man, follows Priya, a 25-year-old woman, on her way home from work. He makes lewd comments and attempts to grab her arm. Priya feels threatened and humiliated by Ravi's actions. Under Section 74 of The Bharatiya Nyaya Sanhita 2023, Ravi's actions constitute an assault with the intent to outrage Priya's modesty. Ravi can be punished with imprisonment for a term ranging from one to five years and may also be liable to pay a fine.

Example 2:

During a crowded festival, Anil intentionally brushes against Meera inappropriately multiple times despite her clear discomfort and attempts to move away. Meera feels violated and reports the incident to the police. Anil's deliberate actions to touch Meera inappropriately with the intent to outrage her modesty fall under Section 74 of The Bharatiya Nyaya Sanhita 2023. Anil can face imprisonment for a term of one to five years and may also be fined for his actions.

Section 75: Sexual harassment.

Sexual Harassment Offences and Punishments

(1) A man 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.

Simplified Acts

Sexual Harassment Offences and Punishments

(1) A man is guilty of sexual harassment if he does any of the following:

(i) Makes physical contact or advances with clear and unwanted sexual intentions; or

(ii) Asks for sexual favors; or

(iii) Shows pornography to a woman without her consent; or

(iv) Makes sexually suggestive comments.

(2) If a man does any of the actions listed in (i), (ii), or (iii) above, he can be punished with up to three years in prison, a fine, or both.

(3) If a man makes sexually suggestive comments as listed in (iv) above, he can be punished with up to one year in prison, a fine, or both.

Explanation using Example

Example 1:

Ravi works in an office and has been making unwelcome physical advances towards his colleague, Priya. Despite Priya's clear discomfort and repeated requests for him to stop, Ravi continues to touch her inappropriately and make explicit sexual comments. Under Section 75 of The Bharatiya Nyaya Sanhita 2023, Ravi's actions constitute sexual harassment. If found guilty, Ravi could face rigorous imprisonment for up to three years, a fine, or both.

Example 2:

Sunil, a manager at a company, asks his subordinate, Anjali, to go out on a date with him in exchange for a promotion. Anjali feels pressured and uncomfortable with this demand. Sunil's request for sexual favors in return for professional benefits falls under the definition of sexual harassment as per Section 75 of The Bharatiya Nyaya Sanhita 2023. If convicted, Sunil could be punished with rigorous imprisonment for up to three years, a fine, or both.

Example 3:

During a team meeting, Rajesh shows explicit pornographic content on his laptop to his female colleague, Meera, without her consent. Meera feels violated and reports the incident. Rajesh's act of showing pornography against Meera's will is considered sexual harassment under Section 75 of The Bharatiya Nyaya

Sanhita 2023. Rajesh could face rigorous imprisonment for up to three years, a fine, or both if found guilty.

Example 4:

Amit frequently makes sexually colored remarks about his neighbor, Sita, whenever he sees her. Sita feels harassed and uncomfortable with Amit's comments. Amit's behavior of making sexually colored remarks is classified as sexual harassment under Section 75 of The Bharatiya Nyaya Sanhita 2023. If convicted, Amit could be punished with imprisonment for up to one year, a fine, or both.

Section 76: Assault or use of criminal force to woman with intent to disrobe.

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.

Simplified Acts

Anyone who attacks or forcefully tries to undress a woman or makes her be naked will be punished.

The punishment will be at least three years in prison, but it can be up to seven years.

There will also be a fine.

Explanation using Example

Example 1:

Ravi and his friends were at a party where they consumed alcohol. During the party, Ravi forcibly grabbed a woman, Priya, and tried to pull off her saree with the intention of humiliating her in front of others. Priya managed to escape and reported the incident to the police. Under Section 76 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with assault with the intent to disrobe, facing imprisonment for a term not less than three years and up to seven years, along with a fine.

Example 2:

In a crowded market, Anil got into an argument with a woman, Meera, over a minor issue. In a fit of rage, Anil pushed Meera against a wall and attempted to tear her blouse, intending to shame her publicly. Bystanders intervened and called the police. Anil's actions fall under Section 76 of The Bharatiya Nyaya Sanhita 2023, making him liable for imprisonment for a term not less than three years and up to seven years, in addition to a fine.

Section 77: Voyeurism.

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.

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.

Simplified Acts

Whoever watches or takes a picture of a woman doing something private, in situations where she expects privacy and not to be seen by anyone (including the person taking the picture or anyone they ask to watch), or shares such pictures, will be punished. For the first time, the punishment will be jail for at least one year and up to three years, and a fine. For the second or later times,

the punishment will be jail for at least three years and up to seven years, and a fine.

Explanation 1

"Private act" means watching or doing something in a place where privacy is expected, and where the woman's genitals, buttocks, or breasts are exposed or covered only by underwear, or where the woman is using the toilet, or doing a sexual act that is not normally done in public.

Explanation 2

If the woman agrees to have the pictures taken but does not agree to share them with others, and if the pictures are shared, it will be considered a crime under this law.

Explanation using Example

Example 1:

Ravi secretly installed a hidden camera in the bathroom of his female tenant, Priya, without her knowledge. The camera captured images of Priya while she was using the bathroom, a place where she had a reasonable expectation of privacy. Ravi then shared these images with his friends through a messaging app. Under Section 77 of the Bharatiya Nyaya Sanhita 2023, Ravi can be charged with voyeurism. On his first conviction, he could face imprisonment for a term of one to three years and a fine. If he commits the same offense again, the imprisonment term could extend from three to seven years, along with a fine.

Example 2:

Sneha consented to her boyfriend, Arjun, taking intimate photos of her in their private space. However, she explicitly told him not to share these photos with anyone else. Despite her instructions, Arjun shared the photos on social media without her consent. Under Section 77 of the Bharatiya Nyaya Sanhita 2023, Arjun's act of disseminating the images without Sneha's consent constitutes an offense. He could be punished with imprisonment for a term of one to three years and a fine on his first conviction. For any subsequent conviction, the imprisonment term could range from three to seven years, along with a fine.

Section 78: Stalking.

(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.

Simplified Acts

(1) Any man who -

(i) follows a woman and tries to talk to her repeatedly even though she has clearly shown she is not interested; or

(ii) watches how a woman uses the internet, email, or any other electronic communication,

is committing the crime of stalking:

However, this behavior is not considered stalking if the man can prove that -

(i) he was doing it to prevent or detect a crime and had been given this responsibility by the State; or

(ii) he was following a law or a requirement set by someone under the law; or

(iii) in the specific situation, his actions were reasonable and justified.

(2) Anyone who is found guilty of stalking will be punished with imprisonment for up to three years and may also have to pay a fine for the first offense; and for a second or later offense, the imprisonment can be up to five years, along with a fine.

Explanation using Example

Example 1:

Ravi, a 30-year-old man, works in the same office as Priya. Ravi has been following Priya to her home every day after work, despite Priya clearly telling him multiple times that she is not interested in any personal interaction with him. Ravi also sends her messages on social media and emails her frequently, even after Priya has blocked him on several platforms. Priya feels harassed and files a complaint against Ravi for stalking under Section 78 of The Bharatiya Nyaya Sanhita 2023. Ravi's actions of following Priya and attempting to contact her repeatedly despite her clear disinterest constitute the offence of stalking.

Example 2:

Anita notices that someone has been monitoring her online activities. She finds out that her ex-boyfriend, Raj, has been tracking her social media posts, reading her emails, and even hacking into her accounts to see her private messages. Anita feels violated and reports Raj to the police. Raj's actions of monitoring Anita's use of the internet and electronic communication without her consent fall under the offence of stalking as per Section 78 of The Bharatiya Nyaya Sanhita 2023.

Example 3:

Inspector Sharma, a police officer, is assigned to investigate a series of cybercrimes targeting women. As part of his duties, he monitors the online activities of several suspects, including some women, to gather evidence and prevent further crimes. One of the women, unaware of the investigation, files a complaint against Inspector Sharma for stalking. However, Inspector Sharma can prove that his actions were pursued for the purpose of preventing or detecting crime and that he was entrusted with this responsibility by the State. Therefore, his conduct does not amount to stalking under the exceptions provided in Section 78 of The Bharatiya Nyaya Sanhita 2023.

Example 4:

Sunil, a private investigator, is hired by a company to monitor the online activities of an employee, Meera, who is suspected of leaking confidential information. Sunil's monitoring is done in compliance with the company's internal policies and legal requirements. Meera discovers the monitoring and files a complaint against Sunil for stalking. Sunil can defend himself by proving that his actions were pursued under the law and to comply with the conditions imposed by the company, thus falling under the exceptions of Section 78 of The Bharatiya Nyaya Sanhita 2023.

Section 79: Word, gesture or act intended to insult modesty of a woman.

Whoever, intending to insult the modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object in any form, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to three years, and also with fine.

Simplified Acts

If someone tries to insult a woman's modesty by saying something, making a sound or gesture, or showing an object in any way, with the intention that the woman hears or sees it, or if they invade her privacy, they can be punished. The punishment can be simple imprisonment for up to three years and a fine.

Explanation using Example

Example 1:

Rahul, a college student, follows Priya, a fellow student, every day after classes. He makes lewd comments about her appearance and whistles at her whenever she passes by. Priya feels humiliated and her modesty is insulted by Rahul's actions. Under Section 79 of The Bharatiya Nyaya Sanhita 2023, Rahul's behavior constitutes an offense as he intended to insult Priya's modesty through his words and gestures. Rahul can be punished with simple imprisonment for up to three years and a fine.

Example 2:

Sunil, a neighbor, frequently stands outside Meera's house and makes obscene gestures whenever she comes out. He also plays vulgar songs loudly whenever she is around. Meera feels deeply insulted and her privacy is intruded upon by Sunil's actions. According to Section 79 of The Bharatiya Nyaya Sanhita 2023,

Sunil's conduct is punishable as he intended to insult Meera's modesty through his gestures and sounds. Sunil can face simple imprisonment for up to three years and a fine.

OF OFFENCES RELATING TO MARRIAGE

Section 80: Dowry death.

(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.

Simplified Acts

Dowry Death

(1) If a woman dies because of burns, injuries, or in any unusual way within seven years of her marriage, and it is proven that she was treated badly or harassed by her husband or his family because of dowry demands, this death is called "dowry death." In such cases, the husband or his family will be considered responsible for her death.

Explanation. - For this rule, "dowry" means the same as it does in section 2 of the Dowry Prohibition Act, 1961.

(2) Anyone who causes a dowry death will be punished with jail time of at least seven years, but it can be as long as life in prison.

Explanation using Example

Example 1:

Priya got married to Rajesh in 2020. Within a year of their marriage, Rajesh and his family started demanding additional dowry from Priya's parents, including a car and more cash. Priya's parents were unable to meet these demands. As a result, Priya was subjected to continuous harassment and physical abuse by Rajesh and his family. In 2023, Priya was found dead under suspicious circumstances with burn injuries. Given that her death occurred within seven years of her marriage and she was subjected to cruelty related to dowry demands, Rajesh and his family members can be charged with dowry death under Section 80 of the Bharatiya Nyaya Sanhita 2023.

Example 2:

Sunita married Anil in 2018. After their marriage, Anil and his mother started pressuring Sunita to bring more dowry from her parents, including gold jewelry and a larger sum of money. Sunita's parents were financially strained and could not fulfill these demands. Sunita faced severe mental and physical harassment from Anil and his mother. In 2022, Sunita was found dead due to poisoning. Since her death occurred within seven years of her marriage and she was harassed for dowry, Anil and his mother can be prosecuted for dowry death under Section 80 of the Bharatiya Nyaya Sanhita 2023.

Section 81: Cohabitation caused by man deceitfully inducing belief of lawful marriage.

Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

If a man tricks a woman into thinking she is legally married to him when she is not, and because of this, she lives with him or has sex with him, he can be sent to prison for up to ten years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a 30-year-old man, meets Priya, a 28-year-old woman, through a mutual friend. Ravi tells Priya that he is single and interested in a serious relationship. Over time, Ravi convinces Priya that they should get married. He arranges a

fake wedding ceremony with actors posing as priests and witnesses. Priya, believing she is lawfully married to Ravi, moves in with him and they start living together as husband and wife. After a few months, Priya discovers that the marriage was never legally registered and that Ravi had deceived her. Under Section 81 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to ten years and may also be liable to pay a fine for deceitfully inducing Priya to believe they were lawfully married and cohabiting with her under that false belief.

Example 2:

Amit, a 35-year-old businessman, meets Sunita, a 32-year-old woman, at a social event. Amit tells Sunita that he is a widower and looking to remarry. He proposes to Sunita and they have a grand wedding ceremony. Amit shows Sunita fake marriage registration documents to convince her that their marriage is legally valid. Sunita, believing she is Amit's lawful wife, moves into his house and they start living together. After a year, Sunita finds out that Amit's previous wife is still alive and that their marriage was never legally dissolved. Amit had lied about being a widower and had never legally married Sunita. Under Section 81 of The Bharatiya Nyaya Sanhita 2023, Amit can be punished with imprisonment for up to ten years and may also be liable to pay a fine for deceitfully inducing Sunita to believe they were lawfully married and cohabiting with her under that false belief.

Section 82: Marrying again during lifetime of husband or wife.

Section on Bigamy

(1) Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception

This sub-section does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall, before such

marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge.

(2) Whoever commits the offence under sub-section (1) having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

(1) If someone is already married and their spouse is still alive, and they get married to another person, this new marriage is not valid. If they do this, they can be sent to jail for up to seven years and may also have to pay a fine.

Exception

This rule does not apply if:

A court has declared their first marriage invalid.

They marry someone else while their first spouse has been missing for seven years and they haven't heard from them during that time. However, they must tell the new person they are marrying about the situation before getting married.

(2) If someone gets married again without telling the new spouse that they were already married, they can be sent to jail for up to ten years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi is married to Priya. Without getting a divorce from Priya, Ravi marries another woman, Anjali. Since Ravi's marriage to Anjali is void because he is still legally married to Priya, Ravi can be punished under Section 82 of The Bharatiya Nyaya Sanhita 2023. He could face imprisonment for up to seven years and may also have to pay a fine.

Example 2:

Sunita is married to Rajesh. Rajesh has been missing for over seven years, and Sunita has not heard from him or about him being alive during this period.

Sunita decides to marry another man, Amit. Before marrying Amit, Sunita informs him about Rajesh's disappearance and the fact that she has not heard from him for seven years. In this case, Sunita is not committing an offence under Section 82 because she has met the exception criteria by informing Amit and Rajesh has been absent for the required period.

Example 3:

Anil is married to Meera. Anil marries another woman, Shweta, without telling her that he is already married to Meera. Since Anil concealed his first marriage from Shweta, he can be punished more severely under Section 82(2) of The Bharatiya Nyaya Sanhita 2023. Anil could face imprisonment for up to ten years and may also have to pay a fine.

Example 4:

Neha is married to Suresh. Their marriage is declared void by a court due to some legal issues. Neha then marries another man, Rohit. Since Neha's first marriage with Suresh has been declared void by a competent court, her marriage to Rohit is not considered bigamy under Section 82, and she is not liable for any punishment.

Section 83: Marriage ceremony fraudulently gone through without lawful marriage.

Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

If someone knowingly and dishonestly pretends to get married, even though they know the marriage is not legal, they can be punished.

The punishment can be up to seven years in prison.

They may also have to pay a fine.

Explanation using Example

Example 1:

Rahul, who is already legally married to Priya, decides to marry another woman, Anjali, without disclosing his existing marriage. He goes through a traditional wedding ceremony with Anjali, knowing that this second marriage is not legally valid under Indian law. Anjali, unaware of Rahul's first marriage, believes she is lawfully married to him. Rahul's actions are driven by fraudulent intentions to deceive Anjali. Under Section 83 of The Bharatiya Nyaya Sanhita 2023, Rahul can be punished with imprisonment for up to seven years and may also be liable to pay a fine.

Example 2:

Sneha, who is in a relationship with Arjun, convinces him to go through a marriage ceremony with her, even though she knows that Arjun is already married to another woman, Meera. Sneha's intention is to claim marital rights and benefits fraudulently. Arjun, aware that this second marriage is not lawful, still goes through with the ceremony to appease Sneha. Both Sneha and Arjun can be prosecuted under Section 83 of The Bharatiya Nyaya Sanhita 2023 for participating in a fraudulent marriage ceremony. They may face imprisonment for up to seven years and fines.

Section 84: Enticing or taking away or detaining with criminal intent a married woman.

Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone takes away or entices a woman who is married to another man, knowing she is married, with the intent that she will have illegal sexual relations with someone else, they can be punished.

If someone hides or keeps such a woman with that same intent, they can also be punished.

The punishment can be up to two years in prison, a fine, or both.

Explanation using Example

Example 1:

Ravi, knowing that Priya is married to Suresh, convinces her to leave her home and come with him to another city. Ravi's intention is to have an illicit relationship with Priya. When Suresh finds out, he reports the matter to the police. Under Section 84 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged for enticing away a married woman with criminal intent and could face imprisonment for up to two years, a fine, or both.

Example 2:

Anil, aware that Meera is married to Raj, offers her a job in another city. However, Anil's real intention is to detain Meera and force her into an illicit relationship. Meera's family, suspecting foul play, informs the authorities. Anil can be prosecuted under Section 84 of The Bharatiya Nyaya Sanhita 2023 for detaining a married woman with the intent of having illicit intercourse, and he could be sentenced to up to two years in prison, fined, or both.

Section 85: Husband or relative of husband of a woman subjecting her to cruelty.

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Simplified Acts

If a husband or any of his relatives treat a woman cruelly, they can be sent to jail for up to three years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi and Priya have been married for five years. Over the past year, Ravi has been verbally abusing Priya, calling her derogatory names and constantly belittling her in front of their children and relatives. Additionally, Ravi's mother, who lives with them, has been pressuring Priya to bring more dowry from her parents and has threatened to throw her out of the house if she fails to do so. Priya, feeling helpless and distressed, decides to file a complaint under Section 85 of The Bharatiya Nyaya Sanhita 2023. The police investigate the matter, and both Ravi and his mother are charged with subjecting Priya to cruelty. If found guilty, they could face imprisonment for up to three years and be liable to pay a fine.

Example 2:

Sunita married Rajesh two years ago. Rajesh's sister, who frequently visits their home, has been physically assaulting Sunita, accusing her of not taking proper care of the household. Rajesh, instead of intervening, supports his sister's actions and even joins in the physical and emotional abuse. Sunita suffers from severe depression and anxiety due to the constant mistreatment. She decides to approach the local women's helpline and subsequently files a case under Section 85 of The Bharatiya Nyaya Sanhita 2023. The court takes cognizance of the evidence presented, and both Rajesh and his sister are prosecuted for their actions. They face the possibility of imprisonment for up to three years and a monetary fine if convicted.

Section 86: Cruelty defined.

For the purposes of section 85, "cruelty" means -

- (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
- (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.

Simplified Acts

For the purposes of section 85, "cruelty" means -

- (a) any intentional behavior that is so severe it could make the woman want to commit suicide or cause serious harm or danger to her life, body, or health (whether mental or physical); or
- (b) harassment of the woman with the intention of forcing her or someone related to her to give in to illegal demands for money or valuable items, or because she or someone related to her did not meet such demands.

Explanation using Example

Example 1:

Priya is married to Rajesh. Over the past few months, Rajesh has been verbally abusing Priya, calling her derogatory names and constantly belittling her in

front of their family and friends. He also physically assaults her, causing bruises and injuries. Rajesh's behavior has driven Priya to a state of severe depression, and she has started contemplating suicide as she feels there is no escape from the abuse. This situation falls under Section 86(a) of the Bharatiya Nyaya Sanhita 2023, as Rajesh's wilful conduct is likely to drive Priya to commit suicide or cause grave injury to her mental and physical health.

Example 2:

Sunita is married to Anil. Anil and his family have been demanding a car as dowry from Sunita's parents. When Sunita's parents are unable to fulfill this demand, Anil and his family start harassing Sunita. They refuse to give her food, make her do excessive household chores, and verbally abuse her daily. This harassment is intended to coerce Sunita and her family into meeting their unlawful demand for a car. This scenario falls under Section 86(b) of the Bharatiya Nyaya Sanhita 2023, as the harassment is with a view to coercing Sunita or her family to meet an unlawful demand for property or valuable security.

Section 87: Kidnapping, abducting or inducing woman to compel her marriage, etc.

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 as aforesaid.

Simplified Acts

If someone kidnaps or takes away a woman with the intent to force her to marry someone against her will, or knowing that she will likely be forced to marry someone against her will, they can be punished with imprisonment for up to ten years and may also have to pay a fine.

If someone kidnaps or takes away a woman to force her into illegal sexual activity, or knowing that she will likely be forced into illegal sexual activity, they can be punished with imprisonment for up to ten years and may also have to pay a fine.

If someone uses threats, abuse of power, or any other forceful method to make a woman leave a place with the intent to force her into illegal sexual activity with another person, or knowing that it is likely she will be forced into illegal sexual activity with another person, they can be punished with imprisonment for up to ten years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a 30-year-old man, kidnaps Priya, a 22-year-old woman, from her college campus with the intent to force her into marrying him. Priya is taken against her will and kept in a secluded house. Ravi threatens Priya that if she does not marry him, he will harm her family. This act of kidnapping with the intent to compel Priya to marry Ravi against her will falls under Section 87 of The Bharatiya Nyaya Sanhita 2023. Ravi can be punished with imprisonment for up to ten years and may also be liable to pay a fine.

Example 2:

Sunil, a powerful local politician, uses his influence to abduct Meera, a young woman from his village. He intends to force her into a relationship with his friend, Rajesh. Sunil uses his authority to intimidate Meera and her family, threatening them with dire consequences if she does not comply. This act of using abuse of authority to compel Meera to engage in illicit intercourse with Rajesh is covered under Section 87 of The Bharatiya Nyaya Sanhita 2023. Sunil can be punished with imprisonment for up to ten years and may also be liable to pay a fine.

OF CAUSING MISCARRIAGE, ETC:

Section 88: Causing miscarriage.

Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be

quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation: A woman who causes herself to miscarry, is within the meaning of this section.

Simplified Acts

If someone intentionally causes a pregnant woman to have a miscarriage, they can be punished with up to three years in prison, a fine, or both, unless it was done in good faith to save the woman's life.

If the woman is in the later stages of pregnancy (when the baby starts to move), the punishment can be up to seven years in prison and a fine.

Explanation: This law also applies to a woman who causes her own miscarriage.

Explanation using Example

Example 1:

Rita is three months pregnant and does not want to continue with her pregnancy. She approaches a local unlicensed practitioner who agrees to perform an abortion for a fee. The practitioner uses unsafe methods, and Rita suffers severe complications. Under Section 88 of the Bharatiya Nyaya Sanhita 2023, the practitioner can be charged with causing miscarriage without good faith, as the abortion was not performed to save Rita's life. The practitioner could face imprisonment for up to three years, a fine, or both.

Example 2:

Sunita is six months pregnant and experiences severe complications that threaten her life. Her doctor advises an emergency abortion to save her life. The procedure is performed in a hospital by a licensed medical professional. In this case, the doctor is acting in good faith to save Sunita's life, and therefore, the provisions of Section 88 do not apply. The doctor will not face any legal consequences for performing the abortion.

Example 3:

Meera, who is five months pregnant, decides to terminate her pregnancy and takes abortion pills without consulting a doctor. She experiences severe bleeding and is hospitalized. Under Section 88, Meera herself can be charged

for causing her own miscarriage, as the law includes women who cause their own miscarriages within its scope. However, the court may consider her circumstances and the lack of intent to harm herself in determining her punishment.

Example 4:

Amit, a husband, forces his wife, Priya, who is four months pregnant, to undergo an abortion against her will. He takes her to an unlicensed clinic where the procedure is performed. Under Section 88, Amit can be charged with causing miscarriage without good faith, as the abortion was not performed to save Priya's life. Amit could face imprisonment for up to three years, a fine, or both. Additionally, the unlicensed practitioner could also face legal consequences under this section.

Section 89: Causing miscarriage without woman's consent.

Whoever commits the offence under section 88 without the consent of the woman, whether the woman is quick with child or not, shall be punished with 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.

Simplified Acts

If someone commits the crime described in section 88 without the woman's consent, whether she is pregnant or not, they can be punished with:

Life imprisonment, or

Imprisonment for up to ten years, and

They may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a 35-year-old man, is in a relationship with Priya. Priya becomes pregnant, but Ravi does not want the child. Without Priya's knowledge or consent, Ravi slips an abortion-inducing drug into her food, causing her to miscarry. Under Section 89 of The Bharatiya Nyaya Sanhita 2023, Ravi has committed the offence of causing miscarriage without Priya's consent. He can

be punished with imprisonment for life or imprisonment for up to ten years, and he may also be liable to pay a fine.

Example 2:

Dr. Sharma, a gynecologist, is approached by a man named Arjun who wants his wife, Meera, to have an abortion. Meera is unaware of this and has not given her consent. Dr. Sharma, motivated by financial gain, agrees to perform the abortion without Meera's consent. Under Section 89 of The Bharatiya Nyaya Sanhita 2023, Dr. Sharma has committed the offence of causing miscarriage without the woman's consent. He can be punished with imprisonment for life or imprisonment for up to ten years, and he may also be liable to pay a fine.

Section 90: Death caused by act done with intent to cause miscarriage.

(1) Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Where the act referred to in sub-section (1) is done without the consent of the woman, shall be punishable either with imprisonment for life, or with the punishment specified in said sub-section.

Explanation. - It is not essential to this offence that the offender should know that the act is likely to cause death.

Simplified Acts

(1) If someone tries to make a pregnant woman have a miscarriage and she dies because of it, that person can go to prison for up to ten years and may also have to pay a fine.

(2) If the person does this without the woman's permission, they can be sent to prison for life or face the same punishment mentioned above.

Explanation. - The person committing the act does not need to know that their actions could cause death for it to be considered a crime.

Explanation using Example

Example 1:

A woman named Priya is three months pregnant. Her partner, Raj, does not want the child and secretly administers a harmful substance to Priya with the intent to cause a miscarriage. Unfortunately, the substance causes severe complications, leading to Priya's death. Under Section 90(1) of The Bharatiya Nyaya Sanhita 2023, Raj can be punished with imprisonment for up to ten years and may also be fined, as he intended to cause a miscarriage which resulted in Priya's death.

Example 2:

A woman named Anjali is five months pregnant. Her neighbor, Suresh, has a personal grudge against her and decides to harm her. Without Anjali's knowledge or consent, Suresh pushes her down a flight of stairs, intending to cause a miscarriage. The fall results in Anjali's death. Under Section 90(2) of The Bharatiya Nyaya Sanhita 2023, Suresh can be punished with imprisonment for life or the punishment specified in sub-section (1), as he acted without Anjali's consent and caused her death while intending to cause a miscarriage.

Section 91: Act done with intent to prevent child being born alive or to cause to die after birth.

Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Simplified Acts

If someone does something before a child is born with the intention of:

Preventing the child from being born alive, or

Causing the child to die after being born,

And if that action actually prevents the child from being born alive or causes the child to die after birth,

Then, unless the action was done in good faith to save the mother's life,

The person will be punished with:

Up to ten years in prison, or

A fine, or

Both prison and a fine.

Explanation using Example

Example 1:

Ravi and Priya are expecting their first child. Ravi, however, does not want the child to be born due to financial constraints. He secretly administers a harmful substance to Priya with the intention of causing a miscarriage. Priya suffers a miscarriage as a result. Under Section 91 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with the intent to prevent the child from being born alive. He could face imprisonment for up to ten years, a fine, or both, as his actions were not in good faith to save Priya's life.

Example 2:

Sunita gives birth to a healthy baby girl. However, her husband, Rajesh, wanted a boy and is unhappy with the birth of a girl. In a fit of rage, Rajesh smothers the baby shortly after birth, causing her death. Under Section 91 of The Bharatiya Nyaya Sanhita 2023, Rajesh can be charged with causing the child to die after birth. He could face imprisonment for up to ten years, a fine, or both, as his actions were not in good faith to save the life of the mother.

Example 3:

Dr. Mehta, a gynecologist, performs an emergency surgery on a pregnant woman, Shalini, who is experiencing severe complications. The surgery is necessary to save Shalini's life, but unfortunately, the unborn child does not survive. In this case, Dr. Mehta's actions were in good faith to save the life of the mother. Therefore, under Section 91 of The Bharatiya Nyaya Sanhita 2023, Dr. Mehta would not be punished as his intent was to save Shalini's life, not to prevent the child from being born alive or to cause its death after birth.

Section 92: Causing death of quick unborn child by act amounting to culpable homicide.

Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either

description for a term which may extend to ten years, and shall also be liable to fine.

Illustration

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this section.

Simplified Acts

Whoever does something that could cause death and would be considered a serious crime (culpable homicide) if it did, and ends up causing the death of an unborn baby that is alive in the womb, will be punished with up to ten years in prison and may also have to pay a fine.

Example

A person, knowing that their actions could likely cause the death of a pregnant woman, does something that would be considered a serious crime if it caused her death. The woman gets injured but does not die; however, the unborn baby she is carrying dies because of the action. This person is guilty of the crime described in this section.

Explanation using Example

Example 1:

Ravi, in a fit of rage, pushes his pregnant wife, Sita, down the stairs. Ravi knows that such an act could potentially cause serious harm or even death to Sita. Sita survives the fall but suffers severe injuries. Unfortunately, the fall causes the death of the unborn child she was carrying, which was already in the quick stage (able to move in the womb). In this scenario, Ravi would be guilty under Section 92 of The Bharatiya Nyaya Sanhita 2023 for causing the death of the quick unborn child by an act amounting to culpable homicide.

Example 2:

During a heated argument, Mohan strikes his pregnant neighbor, Priya, with a heavy object. Mohan is aware that his actions could lead to serious injury or death. Priya survives the attack but sustains significant injuries. Tragically, the unborn child she was carrying, which had reached the quick stage, dies as a

result of the injuries. In this case, Mohan would be held accountable under Section 92 of The Bharatiya Nyaya Sanhita 2023 for causing the death of the quick unborn child through an act that amounts to culpable homicide.

OF OFFENCES AGAINST CHILD

Section 93: Exposure and abandonment of child under twelve years of age, by parent or person having care of it.

Whoever being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation. - This section is not intended to prevent the trial of the offender for murder or culpable homicide, as the case may be, if the child die in consequence of the exposure.

Simplified Acts

If a father or mother, or anyone taking care of a child under twelve years old, leaves the child somewhere with the intention of completely abandoning them, they can be punished with up to seven years in prison, a fine, or both.

Explanation: This rule does not stop the person from being tried for murder or causing death if the child dies because they were abandoned.

Explanation using Example

Example 1:

Ravi and Sita are parents to a 10-year-old boy named Arjun. Due to financial difficulties, they decide to leave Arjun at a busy railway station in Mumbai, hoping someone will take care of him. They leave him with no intention of returning or ensuring his safety. A passerby notices Arjun crying and informs the police. Upon investigation, the police find out that Ravi and Sita abandoned Arjun. Under Section 93 of The Bharatiya Nyaya Sanhita 2023, Ravi and Sita can be charged with exposing and abandoning a child under twelve years of age. They could face imprisonment for up to seven years, a fine, or both.

Example 2:

Meena, a caretaker at an orphanage, is responsible for a 6-year-old girl named Priya. One day, Meena decides she no longer wants to take care of Priya and leaves her in a remote area outside the city with no means to return or contact anyone. Priya is found by a local villager who reports the incident to the authorities. The police trace Priya back to the orphanage and discover that Meena abandoned her. Meena can be prosecuted under Section 93 of The Bharatiya Nyaya Sanhita 2023 for abandoning a child under her care. She could be sentenced to imprisonment for up to seven years, fined, or both.

Example 3:

Anil, a single father, is overwhelmed by the responsibility of taking care of his 8-year-old daughter, Riya. He decides to leave her at a temple in Varanasi, hoping that someone will adopt her. Anil leaves without informing anyone and does not return. A temple priest finds Riya and contacts the local authorities. The police identify Anil as Riya's father and charge him under Section 93 of The Bharatiya Nyaya Sanhita 2023 for abandoning his child. Anil faces the possibility of up to seven years in prison, a fine, or both.

Example 4:

Sunita, a nanny, is entrusted with the care of a 4-year-old boy named Karan while his parents are away on a business trip. Frustrated with her job, Sunita decides to leave Karan at a crowded market in Delhi and disappears. Karan is found by a shopkeeper who alerts the police. The authorities trace Karan back to his parents and discover that Sunita abandoned him. Sunita can be charged under Section 93 of The Bharatiya Nyaya Sanhita 2023 for abandoning a child under her care. She could face imprisonment for up to seven years, a fine, or both.

Section 94: Concealment of birth by secret disposal of dead body.

Whoever, by secretly burying or otherwise disposing of the dead body of a child whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone hides or gets rid of a child's dead body in secret, whether the child died before, during, or after birth,

And if they do this to hide the fact that the child was born,

They can be punished with up to two years in prison, a fine, or both.

Explanation using Example

Example 1:

A woman gives birth to a stillborn child at home. Fearing social stigma and legal repercussions, she decides not to inform anyone about the birth. Instead, she secretly buries the dead body of the child in her backyard. Later, the authorities discover the burial site and investigate the matter. Under Section 94 of The Bharatiya Nyaya Sanhita 2023, the woman can be charged with concealing the birth of the child by secretly disposing of the dead body. She may face imprisonment for up to two years, a fine, or both.

Example 2:

A couple has an unplanned pregnancy and the child is born prematurely and dies shortly after birth. To avoid the emotional and social consequences, they decide not to report the birth or death to any authorities. Instead, they dispose of the dead body by throwing it into a nearby river. When the body is later discovered and traced back to them, they are charged under Section 94 of The Bharatiya Nyaya Sanhita 2023 for intentionally concealing the birth of the child by secretly disposing of the dead body. They could be sentenced to imprisonment for up to two years, fined, or both.

Section 95: Hiring, employing or engaging a child to commit an offence.

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.

Simplified Acts

If anyone hires, employs, or uses a child to commit a crime, they will be punished with jail time of at least three years and up to ten years, and they will

also have to pay a fine. If the crime is actually committed, the person will also face the same punishment as if they had committed the crime themselves.

Explanation. - Using a child for sexual exploitation or pornography is included in this law.

Explanation using Example

Example 1:

Ravi, a local gang leader, hires a 14-year-old boy named Arjun to steal mobile phones from a crowded market. Ravi promises Arjun a small amount of money for each phone he steals. Arjun, being a child, does not fully understand the legal consequences of his actions and agrees to do it. Under Section 95 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for a term not less than three years and up to ten years, along with a fine. Additionally, if Arjun successfully steals the phones, Ravi will also face the same punishment as if he had committed the theft himself.

Example 2:

Sunita, a woman running an illegal online pornography business, coerces a 16-year-old girl named Meera into participating in the production of explicit videos. Sunita promises Meera a significant amount of money and assures her that no one will find out. Under Section 95 of The Bharatiya Nyaya Sanhita 2023, Sunita can be punished with imprisonment for a term not less than three years and up to ten years, along with a fine. Furthermore, since the act involves sexual exploitation and pornography, Sunita will also face additional penalties as prescribed for such offences.

Section 96: Procurement of child.

Whoever, by any means whatsoever, induces any child to go from any place or to do any act with intent that such child may be, or knowing that it is likely that such child will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

Simplified Acts

If anyone convinces or tricks a child to leave a place or do something, knowing or intending that the child might be forced or persuaded into illegal sexual activity with someone else, they can be punished.

The punishment can be up to ten years in prison.

They can also be fined.

Explanation using Example

Example 1:

Ravi, a 35-year-old man, befriends a 14-year-old girl named Meera on social media. Over time, he gains her trust and convinces her to meet him at a secluded location. Ravi's intention is to hand Meera over to another individual who plans to exploit her for illicit activities. Under Section 96 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with procurement of a child, facing imprisonment of up to ten years and a fine.

Example 2:

Sunita, a 40-year-old woman, offers a 12-year-old boy named Arjun a large sum of money to leave his home and come with her to a different city. Sunita knows that once Arjun is in the new city, he will be forced into illegal activities, including illicit intercourse. Sunita's actions fall under Section 96 of The Bharatiya Nyaya Sanhita 2023, making her liable for imprisonment of up to ten years and a fine for procuring a child for illicit purposes.

Section 97: Kidnapping or abducting child under ten years of age with intent to steal from its person.

Whoever kidnaps or abducts any child under the age of ten years with the intention of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

If someone takes away or kidnaps a child who is under ten years old with the intention of stealing any belongings from that child, they can be sent to prison for up to seven years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a 35-year-old man, sees a young boy named Arjun, who is 8 years old, playing in a park. Arjun is wearing a gold chain around his neck. Ravi approaches Arjun, tells him that his parents have sent him to pick him up, and takes Arjun to a secluded area. Ravi then removes the gold chain from Arjun's neck and runs away. In this scenario, Ravi has kidnapped Arjun with the intent to steal the gold chain, which is a movable property, from Arjun's person. Ravi can be charged under Section 97 of The Bharatiya Nyaya Sanhita 2023 and may face imprisonment for up to seven years and a fine.

Example 2:

Sunita, a 28-year-old woman, notices a 6-year-old girl named Meera at a crowded market. Meera is holding a small purse that contains some money and a few valuable items. Sunita lures Meera away from the market by offering her sweets and takes her to a nearby alley. Sunita then takes the purse from Meera and leaves her there. In this case, Sunita has abducted Meera with the intention of stealing the purse, which is a movable property, from Meera's person. Sunita can be prosecuted under Section 97 of The Bharatiya Nyaya Sanhita 2023 and may be sentenced to imprisonment for up to seven years and a fine.

Section 98: Selling child for purposes of prostitution, etc.

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.

Explanation 1

When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

Explanation 2

For the purposes of this section "illicit intercourse" means sexual intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognised by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a quasi-marital relation.

Simplified Acts

Anyone who sells, rents, or gives away a child with the intention that the child will be used for prostitution, illegal sexual activities, or any unlawful and immoral purposes, or who knows that the child is likely to be used for these purposes, can be punished with up to ten years in prison and may also have to pay a fine.

Explanation 1

If a girl under eighteen is sold, rented, or given to a prostitute or someone who runs a brothel, it is assumed, unless proven otherwise, that she was given away to be used for prostitution.

Explanation 2

In this section, "illicit intercourse" means sexual activity between people who are not married to each other or do not have a recognized relationship similar to marriage according to their personal laws or customs.

Explanation using Example

Example 1:

Ravi, a 40-year-old man, is struggling financially and decides to sell his 15-year-old daughter, Meena, to a brothel owner named Suresh for a sum of money. Ravi knows that Meena will be forced into prostitution once she is handed over to Suresh. Under Section 98 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with selling a child for the purposes of prostitution. If found guilty, Ravi could face imprisonment for up to ten years and a fine.

Example 2:

Sunita, a 35-year-old woman, is approached by a man named Rajesh who offers her a large sum of money to "hire" her 16-year-old son, Arjun, for "work" in his hotel. Sunita is aware that Rajesh's hotel is notorious for illegal activities, including child exploitation. Despite knowing this, she agrees to the

arrangement. Under Section 98, Sunita can be charged with letting her child for hire with the intent that he will be used for unlawful and immoral purposes. If convicted, Sunita could face up to ten years in prison and a fine.

Example 3:

A 17-year-old girl named Priya is sold by her uncle, Ramesh, to a woman named Anita who runs a brothel. Ramesh claims he did not know Anita's intentions, but under Explanation 1 of Section 98, it is presumed that Ramesh disposed of Priya with the intent that she would be used for prostitution. Ramesh can be prosecuted and, if found guilty, could face up to ten years of imprisonment and a fine.

Example 4:

Manoj, a 45-year-old man, arranges for his 14-year-old nephew, Rohit, to be sent to a distant relative's house, knowing that the relative has a history of exploiting children for illicit intercourse. Manoj is aware that Rohit will likely be used for such purposes. Under Section 98, Manoj can be charged with disposing of a child with the knowledge that the child will be used for illicit intercourse. If convicted, Manoj could face up to ten years in prison and a fine.

Section 99: Buying child for purposes of prostitution, etc.

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.

Explanation 1

Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

Explanation 2

"Illicit intercourse" has the same meaning as in section 98.

Simplified Acts

Anyone who buys, rents, or takes possession of a child intending to use the child for prostitution, illegal sexual activities, or any other illegal and immoral purposes, or knowing that the child will likely be used for these purposes, will be punished with imprisonment for a minimum of seven years, which can extend up to fourteen years, and will also have to pay a fine.

Explanation 1

Any prostitute or person managing a brothel who buys, rents, or takes possession of a female under eighteen years old will be assumed, unless proven otherwise, to have done so with the intent to use her for prostitution.

Explanation 2

"Illicit intercourse" has the same meaning as in section 98.

Explanation using Example

Example 1:

Ravi, a 45-year-old man, approaches a poor family in a rural village in India. He offers them a significant amount of money in exchange for their 12-year-old daughter, Meena, under the pretense of providing her with a better life and education in the city. However, Ravi's real intention is to employ Meena in a brothel he manages in Mumbai. Under Section 99 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with buying a child for the purpose of prostitution. If found guilty, Ravi could face imprisonment for a term of not less than seven years, which may extend to fourteen years, and he would also be liable to pay a fine.

Example 2:

Sunita runs a brothel in Delhi and is always on the lookout for young girls to attract more clients. She comes across a 16-year-old girl, Priya, who has run away from home. Sunita offers Priya shelter and food, but her real intention is to force Priya into prostitution. According to Explanation 1 of Section 99, Sunita will be presumed to have obtained possession of Priya with the intent to use her for prostitution. Sunita can be prosecuted under this section and, if convicted, she could face a minimum of seven years in prison, which may extend to fourteen years, along with a fine.

Example 3:

A criminal gang in Kolkata kidnaps a 14-year-old boy, Arjun, with the intention of using him for illicit intercourse and other unlawful activities. The gang plans to sell Arjun to a wealthy individual who has a history of engaging in such illegal acts. Under Section 99, the members of the gang can be charged with obtaining possession of a child for unlawful and immoral purposes. If convicted, each member could face imprisonment for a term ranging from seven to fourteen years and would also be liable to pay a fine.

Example 4:

A woman named Kavita, who manages a brothel in Chennai, hires a 17-year-old girl, Anjali, from a trafficker, knowing that Anjali will be used for prostitution. According to Explanation 1 of Section 99, Kavita will be presumed to have obtained possession of Anjali with the intent to use her for prostitution. Kavita can be prosecuted under this section and, if found guilty, she could face a minimum of seven years in prison, which may extend to fourteen years, along with a fine.

CHAPTER VI: OF OFFENCES AFFECTING THE HUMAN BODY

Of offences affecting life

Section 100: Culpable homicide.

Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Illustrations

(a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.

(b) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

(c) A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death.

Explanation 1

A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2

Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3

The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

Simplified Acts

Whoever causes someone's death by doing something intending to cause death, or intending to cause serious injury likely to cause death, or knowing that their action is likely to cause death, is committing the crime of culpable homicide.

Examples

(a) If A covers a pit with sticks and grass to cause death or knowing it could cause death, and Z steps on it, falls, and dies, A has committed culpable homicide.

(b) If A knows Z is behind a bush and convinces B to shoot at the bush, resulting in Z's death, B might not be guilty of any crime, but A has committed culpable homicide.

(c) If A shoots at a bird intending to kill and steal it, but accidentally kills B who is behind a bush without knowing B is there, A has not committed

culpable homicide because A did not intend to kill B or know that the act could cause death.

Explanation 1

If someone causes an injury to a person who already has a disorder, disease, or weakness, and this injury speeds up their death, they are considered to have caused that person's death.

Explanation 2

If death is caused by an injury, the person who caused the injury is considered to have caused the death, even if proper medical treatment could have prevented the death.

Explanation 3

Causing the death of an unborn child is not homicide. However, it can be culpable homicide if the death of a living child is caused, even if the child has not yet breathed or is not completely born.

Explanation using Example

Example 1:

Ravi and Suresh have a long-standing feud. One day, Ravi sees Suresh walking on a narrow path near a cliff. Ravi, with the intention of causing Suresh's death, pushes him off the cliff. Suresh falls and dies from the injuries sustained. Ravi has committed the offence of culpable homicide because he acted with the intention of causing death.

Example 2:

Meena, knowing that her neighbor Ramesh has a severe heart condition, decides to scare him as a prank. She hides behind a bush and jumps out suddenly, causing Ramesh to have a heart attack and die. Meena did not intend to kill Ramesh, but she knew that her actions were likely to cause his death due to his health condition. Meena has committed the offence of culpable homicide.

Example 3:

During a heated argument, Priya hits her husband Rajesh on the head with a heavy vase. Priya did not intend to kill Rajesh, but she intended to cause him serious injury. Rajesh dies from the head injury. Priya has committed the

offence of culpable homicide because she acted with the intention of causing bodily injury that was likely to cause death.

Example 4:

Vikram, a hunter, sees movement in the bushes and, thinking it is a deer, shoots at it. Unfortunately, it turns out to be a fellow hunter, Arjun, who is hit by the bullet and dies. Vikram did not intend to kill Arjun, but he knew that shooting at the bushes without confirming the target could likely cause death. Vikram has committed the offence of culpable homicide.

Example 5:

Anita, a nurse, administers a higher dose of medication to a patient, knowing that it could be fatal. The patient dies as a result of the overdose. Anita has committed the offence of culpable homicide because she acted with the knowledge that her actions were likely to cause death.

Example 6:

During a festival, Rohan sets off fireworks in a crowded area. One of the fireworks malfunctions and hits a bystander, causing severe injuries that lead to the bystander's death. Rohan did not intend to kill anyone, but he knew that setting off fireworks in a crowded area was likely to cause serious harm or death. Rohan has committed the offence of culpable homicide.

Section 101: Murder.

Except in the cases hereinafter excepted, culpable homicide is murder,--

(a) if the act by which the death is caused is done with the intention of causing death; or

(b) if the act by which the death is caused is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or

(c) if the act by which the death is caused is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or

(d) if the person committing the act by which the death is caused, knows that it is so imminently dangerous that it must, in all probability, cause death, or

such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Illustrations

(a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

(b) A, knowing that Z is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.

(c) A intentionally gives Z a sword-cut or club-wound sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z's death.

(d) A without any excuse fires a loaded cannon into a crowd of persons and kills one of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

Exception 1

Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident:

Provided that the provocation is not,--

(a) sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person;

(b) given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant;

(c) given by anything done in the lawful exercise of the right of private defence.

Explanation - Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.

Illustrations

(a) A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, in as much as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(b) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.

(c) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and kills Z. This is murder, in as much as the provocation was given by a thing done by a public servant in the exercise of his powers.

(d) A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A's deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is murder.

(e) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, in as much as the provocation was given by a thing done in the exercise of the right of private defence.

(f) Z strikes B. B is by this provocation excited to violent rage. A, a bystander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

Exception 2

Culpable homicide is not murder if the offender in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Illustration

Z attempts to horsewhip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other means prevent himself from being horsewhipped, shoots Z dead. A has not committed murder, but only culpable homicide.

Exception 3

Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

Exception 4

Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.

Explanation - It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5

Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

Illustration

A, by instigation, voluntarily causes Z, a child to commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

Simplified Acts

Culpable homicide is considered murder except in the following cases:

(a) If the act causing death was done with the intention to kill; or

(b) If the act causing death was done with the intention to cause bodily harm that the offender knew was likely to result in death; or

(c) If the act causing death was done with the intention to cause bodily harm that is sufficient to cause death in the ordinary course of events; or

(d) If the person committing the act knows it is extremely dangerous and likely to cause death or serious injury, and does it without any justification for taking that risk.

Examples

(a) A shoots Z with the intention of killing him. Z dies. A commits murder.

(b) A knows Z has a disease making a blow likely to be fatal and strikes Z intending to cause harm. Z dies. A is guilty of murder, even though a healthy person might not have died. But if A did not know about Z's disease and did not intend to cause death or fatal injury, A is not guilty of murder.

(c) A intentionally inflicts a wound on Z that would normally cause death. Z dies. A is guilty of murder, even if A did not specifically intend to kill Z.

(d) A fires a loaded cannon into a crowd without excuse, killing someone. A is guilty of murder, even if A did not plan to kill any particular person.

Exception 1

Culpable homicide is not murder if the offender, in a moment of extreme and sudden provocation, causes the death of the person who provoked them or another person by accident:

Provided the provocation is not:

(a) intentionally sought or provoked by the offender to have an excuse for killing or harming someone;

(b) given by someone acting lawfully or by a public servant doing their duty;

(c) given by someone exercising their right of self-defense.

Explanation - Whether the provocation was severe and sudden enough to prevent the offense from being murder is a question of fact.

Examples

(a) A, provoked by Z, kills Y, Z's child. This is murder because the child did not provoke A.

(b) Y provokes A, and A, in response, unintentionally kills Z, who is nearby. This is not murder but culpable homicide.

(c) A is lawfully arrested by Z and, in sudden rage, kills Z. This is murder because the provocation came from a lawful act by a public servant.

(d) A, angered by Z's words during testimony, kills Z. This is murder.

(e) A tries to assault Z, who defends himself. A, in rage, kills Z. This is murder because the provocation was from self-defense.

(f) Z strikes B. B, in rage, is given a knife by A to kill Z. B kills Z. B may be guilty of culpable homicide, but A is guilty of murder.

Exception 2

Culpable homicide is not murder if the offender exceeds the right of self-defense in good faith and causes death without premeditation and without intending to do more harm than necessary.

Example

Z tries to whip A. A, in self-defense, shoots Z dead, believing it's the only way to stop the assault. A is guilty of culpable homicide, not murder.

Exception 3

Culpable homicide is not murder if the offender, as a public servant or helping a public servant, exceeds their lawful powers and causes death, believing in good faith that it is necessary for their duty and without ill-will.

Exception 4

Culpable homicide is not murder if it happens in a sudden fight, in the heat of passion, without premeditation, and without taking undue advantage or acting cruelly.

Explanation - It does not matter who provoked or struck first.

Exception 5

Culpable homicide is not murder when the person who dies, being over 18 years old, consents to or takes the risk of death.

Example

A persuades Z, a child, to commit suicide. Since Z is too young to consent to death, A is guilty of abetting murder.

Explanation using Example

Example 1:

Rajesh and Suresh have a long-standing feud. One day, Rajesh sees Suresh walking alone in a deserted alley. Rajesh, with the intention of killing Suresh, takes out a knife and stabs him multiple times. Suresh dies on the spot due to the injuries. Here, Rajesh has committed murder under Section 101(a) of The Bharatiya Nyaya Sanhita 2023 because he acted with the intention of causing death.

Example 2:

Anil knows that his neighbor, Ravi, has a severe heart condition. During an argument, Anil punches Ravi hard in the chest, knowing that such a blow is likely to cause Ravi's death due to his heart condition. Ravi dies as a result of the punch. Anil is guilty of murder under Section 101(b) because he intended to cause bodily injury that he knew was likely to cause death.

Example 3:

During a heated argument, Sunil intentionally hits his friend, Manoj, on the head with a heavy iron rod. The injury is severe enough to cause death in the ordinary course of nature, and Manoj dies from the injury. Sunil is guilty of murder under Section 101(c) because he intended to cause bodily injury that was sufficient to cause death.

Example 4:

During a festival, Ramesh, without any excuse, fires a loaded gun into a crowd of people celebrating. One of the bullets hits and kills a person in the crowd. Ramesh is guilty of murder under Section 101(d) because he committed an act that he knew was imminently dangerous and likely to cause death, without any justification.

Example 5:

Vikram finds his wife in a compromising position with another man, leading to a sudden and grave provocation. In a fit of rage, Vikram grabs a nearby vase

and hits the man on the head, causing his death. Here, Vikram may not be guilty of murder but of culpable homicide not amounting to murder under Exception 1, as the act was committed under grave and sudden provocation.

Example 6:

During a robbery, a thief named Arjun is caught by a security guard. In an attempt to escape, Arjun pulls out a knife and stabs the guard, who dies from the injuries. Arjun claims he acted in self-defense. However, since the guard was performing his duty and did not provoke Arjun, this act would be considered murder under Section 101, and Exception 1 would not apply.

Example 7:

A police officer, Suraj, in the line of duty, mistakenly shoots a suspect who he believed was about to shoot him. The suspect dies from the gunshot wound. Suraj acted in good faith, believing his actions were necessary for his duty. This may fall under Exception 3, where culpable homicide is not considered murder if a public servant exceeds his powers in good faith.

Example 8:

During a heated argument at a bar, two friends, Amit and Rohit, get into a physical fight. In the heat of the moment, Amit punches Rohit, who falls and hits his head on a table, leading to his death. Since the fight was sudden and without premeditation, Amit may be guilty of culpable homicide not amounting to murder under Exception 4.

Example 9:

A group of friends, all above 18 years of age, decide to engage in a dangerous stunt for a social media challenge. One of them, Karan, dies during the stunt. Since Karan voluntarily participated and took the risk of death, the person who suggested the stunt may not be guilty of murder under Exception 5.

Example 10:

During a protest, a police officer named Raj, in an attempt to disperse the crowd, uses excessive force and accidentally kills a protester. Raj believed his actions were necessary for maintaining public order. This may fall under Exception 3, where culpable homicide is not considered murder if a public servant exceeds his powers in good faith.

Section 102: Culpable homicide by causing death of person other than person whose death was intended.

If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person, whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

Simplified Acts

If someone does something that they intend or know is likely to cause death, and this action results in the death of another person, even if they did not intend or know that this specific person would die, it is considered culpable homicide.

The seriousness of the culpable homicide is judged based on what would have happened if the person who died was the one the offender intended or knew was likely to die.

Explanation using Example

Example 1:

Rajiv, in a fit of rage, intends to kill his neighbor, Suresh, with a gun. He knows that firing the gun in Suresh's direction is likely to cause death. However, when Rajiv fires the gun, the bullet misses Suresh and instead hits a passerby, Ramesh, who dies as a result. Rajiv did not intend to kill Ramesh, nor did he know that Ramesh was likely to be in the line of fire. Under Section 102 of The Bharatiya Nyaya Sanhita 2023, Rajiv is guilty of culpable homicide for causing Ramesh's death, even though he intended to kill Suresh.

Example 2:

Meena, during a heated argument with her colleague, Priya, throws a heavy object intending to seriously injure Priya. Meena knows that throwing the object is likely to cause serious harm or death. Unfortunately, the object misses Priya and strikes another colleague, Anil, who was standing nearby and dies from the injury. Meena did not intend to harm Anil, nor did she know that Anil was likely to be in the path of the object. According to Section 102 of The Bharatiya Nyaya Sanhita 2023, Meena is responsible for culpable homicide for causing Anil's death, even though her original intention was to harm Priya.

Section 103: Punishment for murder.

(1) Whoever commits murder shall be punished with death or imprisonment for life, and shall also be liable to fine.

(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 similar ground, each member of such group shall be punished with death or with imprisonment for life, and shall also be liable to fine.

Simplified Acts

(1) If someone kills another person, they can be punished with the death penalty or life in prison, and they may also have to pay a fine.

(2) If five or more people work together to kill someone because of their race, caste, community, gender, place of birth, language, personal beliefs, or any similar reason, each person in the group can be punished with the death penalty or life in prison, and they may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a resident of Delhi, had a long-standing feud with his neighbor, Suresh. One night, in a fit of rage, Ravi attacked Suresh with a knife, resulting in Suresh's death. Under Section 103 of The Bharatiya Nyaya Sanhita 2023, Ravi is charged with murder. If found guilty, Ravi could face the death penalty or life imprisonment, and he may also be required to pay a fine.

Example 2:

A group of six individuals, all belonging to the same community, planned and executed the murder of a person from a different caste in a village in Uttar Pradesh. The murder was motivated by caste-based discrimination. Under Section 103(2) of The Bharatiya Nyaya Sanhita 2023, each member of the group is charged with murder. If found guilty, each member could face the death penalty or life imprisonment, and they may also be required to pay a fine.

Section 104: Punishment for murder by life-convict.

Whoever, being under sentence of imprisonment for life, commits murder, shall be punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life.

Simplified Acts

If someone is already serving a life sentence in prison and they commit murder, they will be punished with either the death penalty or another life sentence. This new life sentence means they will stay in prison for the rest of their natural life.

Explanation using Example

Example 1:

Ravi is serving a life sentence in a prison in Maharashtra for a previous murder conviction. While serving his sentence, Ravi gets into a violent altercation with another inmate, Suresh, and ends up killing him. Under Section 104 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with the death penalty or another life sentence, which means he will spend the rest of his natural life in prison without any possibility of parole.

Example 2:

Meena is a life-convict serving her sentence in a prison in Tamil Nadu for a serious crime she committed years ago. During her imprisonment, she plans and successfully executes the murder of a prison guard who had been strict with her. According to Section 104 of The Bharatiya Nyaya Sanhita 2023, Meena can be sentenced to death or given another life sentence, ensuring that she remains in prison for the rest of her natural life without any chance of release

Section 105: Punishment for culpable homicide not amounting to murder.

Whoever commits culpable homicide not amounting to murder, shall be punished with imprisonment for life, or imprisonment of either description 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, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death; or with imprisonment of either description for a term which may extend to ten years and with fine, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

Simplified Acts

If someone causes another person's death but it is not considered murder, they can be punished in the following ways:

a. If they intended to cause death or serious injury that is likely to cause death:
- They can be sentenced to life in prison, or - They can be sentenced to prison for at least five years, but not more than ten years, and - They may also have to pay a fine.

b. If they knew their actions were likely to cause death but did not intend to cause death or serious injury: - They can be sentenced to prison for up to ten years, and - They may also have to pay a fine.

Explanation using Example

Example 1:

Ravi and Suresh are neighbors who have had a long-standing feud over a property boundary. One day, during a heated argument, Ravi loses his temper and hits Suresh on the head with a heavy wooden stick. Ravi did not intend to kill Suresh, but he knew that hitting someone on the head with such force could cause serious injury or even death. Suresh later dies from the injury. In this case, Ravi could be charged under Section 105 of the Bharatiya Nyaya Sanhita 2023 for culpable homicide not amounting to murder. Ravi's actions were done with the knowledge that they were likely to cause death, even though he did not have the intention to kill Suresh.

Example 2:

Priya is driving her car at a high speed in a residential area, despite knowing that it is dangerous and could potentially cause an accident. She loses control of the car and hits a pedestrian, who later dies from the injuries. Priya did not intend to kill the pedestrian, but she was aware that her reckless driving could lead to such an outcome. In this scenario, Priya could be charged under Section 105 of the Bharatiya Nyaya Sanhita 2023 for culpable homicide not amounting to murder. Her actions were done with the knowledge that they were likely to cause death, even though there was no intention to cause death or serious bodily injury.

Section 106: Causing death by negligence.

(1) Whoever causes death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

(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.

Simplified Acts

(1) If someone causes another person's death by doing something careless or reckless, but it doesn't count as intentional killing (culpable homicide), they can be sent to prison for up to five years and may also have to pay a fine.

(2) If someone causes another person's death by driving carelessly or recklessly, but it doesn't count as intentional killing (culpable homicide), and then they run away without telling the police or a judge soon after the incident, they can be sent to prison for up to ten years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a construction worker, was operating a crane at a construction site. He was in a hurry to finish his work and did not follow the safety protocols. As a result, the crane's load fell and hit a passerby, causing the person's death. Ravi's actions were rash and negligent but did not amount to culpable homicide. Under Section 106 of the Bharatiya Nyaya Sanhita 2023, Ravi could be punished with imprisonment for up to five years and a fine.

Example 2:

Sunita was driving her car at high speed in a residential area, ignoring the speed limits. She lost control of the vehicle and hit a pedestrian, causing the pedestrian's death. Instead of stopping and reporting the incident to the police or a Magistrate, Sunita fled the scene. Under Section 106(2) of the Bharatiya Nyaya Sanhita 2023, Sunita could be punished with imprisonment for up to ten years and a fine for causing death by rash and negligent driving and escaping without reporting the incident.

Section 107: Abetment of suicide of child or person of unsound mind.

If any child, any person of unsound mind, any delirious person or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide, shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

Simplified Acts

If a child, a person who is mentally ill, a person who is delirious, or a person who is drunk commits suicide,

Anyone who helps or encourages them to commit suicide will be punished.

The punishment can be death, life in prison, or up to ten years in prison.

The person who helped or encouraged the suicide may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a 35-year-old man, is aware that his 12-year-old neighbor, Ankit, is struggling with severe depression and has expressed suicidal thoughts. Instead of helping Ankit or informing his parents, Ravi repeatedly tells Ankit that he should end his life because he is a burden to everyone. Ravi even provides Ankit with a rope and instructions on how to use it to hang himself. Tragically, Ankit follows through and commits suicide. Under Section 107 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with abetment of suicide of a child and could face the death penalty, life imprisonment, or imprisonment for up to ten years, along with a fine.

Example 2:

Meera, a caretaker at a mental health facility, is responsible for looking after Suresh, a patient diagnosed with severe schizophrenia. Suresh often experiences delusions and has attempted suicide in the past. Meera, frustrated with her job, starts telling Suresh that he would be better off dead and even provides him with sleeping pills, knowing that he might use them to overdose. Suresh, influenced by Meera's words and actions, consumes the pills and dies. Under Section 107 of The Bharatiya Nyaya Sanhita 2023, Meera can be charged with abetment of suicide of a person of unsound mind and could face

the death penalty, life imprisonment, or imprisonment for up to ten years, along with a fine.

Section 108: Abetment of suicide.

If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

If someone takes their own life (commits suicide),
anyone who encourages or helps them to do it (abets the suicide)
can be sent to prison for up to ten years
and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a college student, is constantly bullied by his classmates. One of his classmates, Arjun, repeatedly tells Ravi that he is worthless and should end his life. Arjun even provides Ravi with sleeping pills and instructions on how to use them to commit suicide. Feeling hopeless, Ravi takes the pills and ends his life. In this scenario, Arjun can be charged under Section 108 of the Bharatiya Nyaya Sanhita 2023 for abetment of suicide, as he actively encouraged and facilitated Ravi's suicide.

Example 2:

Meena is in a toxic relationship with her boyfriend, Raj. Raj frequently tells Meena that she is a burden and that the world would be better off without her. He sends her messages suggesting various methods to commit suicide and even threatens to leave her if she does not follow through. Overwhelmed by Raj's constant pressure and emotional abuse, Meena takes her own life. Raj can be held liable under Section 108 of the Bharatiya Nyaya Sanhita 2023 for abetment of suicide, as his actions and words directly contributed to Meena's decision to end her life.

Section 109: Attempt to murder.

Section (1)

Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, 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 if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

Section (2)

When any person offending under sub-section (1) is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life.

Illustrations

(a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued, A would be guilty of murder. A is liable to punishment under this section.

(b) A, with the intention of causing the death of a child of tender years, exposes it in a desert place. A has committed the offence defined by this section, though the death of the child does not ensue.

(c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and, if by such firing he wounds Z, he is liable to the punishment provided by the latter part of sub-section (1).

(d) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence defined in this section. A places the food on Z's table or delivers it to Z's servants to place it on Z's table. A has committed the offence defined in this section.

Simplified Acts

Section (1)

Anyone who does something with the intention or knowledge that it could cause death, and if it actually caused death, they would be guilty of murder, can be punished with up to ten years in prison and may also have to pay a fine. If their action causes injury to someone, they can be sentenced to life imprisonment or the punishment mentioned above.

Section (2)

If someone already serving a life sentence commits an act mentioned in Section (1) that causes injury, they can be punished with death or life imprisonment, meaning they will spend the rest of their natural life in prison.

Examples

(a) If A shoots at Z intending to kill him, and if Z died, A would be guilty of murder. A can be punished under this section.

(b) If A leaves a young child in a desert intending to kill the child, even if the child does not die, A has committed an offence under this section.

(c) If A buys a gun and loads it with the intention of killing Z, A has not yet committed an offence. But if A fires the gun at Z and injures him, A has committed the offence and can be punished as described in Section (1).

(d) If A buys poison and mixes it with food intending to kill Z but keeps the food with him, A has not yet committed an offence. But if A places the food on Z's table or gives it to Z's servants to put on Z's table, A has committed the offence under this section.

Explanation using Example

Example 1:

Ravi, a businessman, has a long-standing feud with his competitor, Suresh. One day, Ravi decides to eliminate Suresh and hires a hitman to shoot him. The hitman, with the intention to kill, shoots Suresh but only injures him. Under Section 109 of The Bharatiya Nyaya Sanhita 2023, Ravi and the hitman can be charged with attempt to murder. If Suresh had died, they would have been guilty of murder. Since Suresh was injured, they are liable to imprisonment for life or up to ten years and a fine.

Example 2:

Priya, a young woman, is in a toxic relationship with her partner, Raj. In a fit of rage, Raj decides to kill Priya and mixes poison in her food. However, before Priya consumes the food, she notices something suspicious and does not eat it. Raj has committed the offence of attempt to murder under Section 109 of The Bharatiya Nyaya Sanhita 2023, as he had the intention and took steps to cause Priya's death. Even though Priya did not consume the poison, Raj is liable to punishment under this section.

Example 3:

Vikram, a convict serving a life sentence, gets into a heated argument with another inmate, Arjun. In a moment of anger, Vikram stabs Arjun with a makeshift knife, intending to kill him. Arjun survives the attack but is severely injured. Under Section 109(2) of The Bharatiya Nyaya Sanhita 2023, Vikram, already serving a life sentence, can be punished with death or imprisonment for life, which means he will spend the remainder of his natural life in prison.

Example 4:

Anita, a mother, is overwhelmed by her circumstances and decides to end the life of her newborn baby. She leaves the baby in a deserted area, hoping it will not survive. Fortunately, a passerby finds the baby and saves it. Anita has committed the offence of attempt to murder under Section 109 of The Bharatiya Nyaya Sanhita 2023, as she had the intention to cause the baby's death by exposing it to danger. She is liable to punishment under this section, even though the baby survived.

Section 110: Attempt to commit culpable homicide.

Whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Illustration

A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death, he would be guilty of culpable

homicide not amounting to murder. A has committed the offence defined in this section.

Simplified Acts

If someone does something with the intention or knowledge that it could cause death, and if the act did cause death, they would be guilty of a serious crime but not murder. This person can be punished with up to three years in prison, a fine, or both. If the act causes injury to someone, the punishment can be up to seven years in prison, a fine, or both.

Example

A gets very angry suddenly and fires a pistol at Z. If Z had died, A would be guilty of a serious crime but not murder. A has committed the crime described in this section.

Explanation using Example

Example 1:

Ravi and Suresh have a heated argument at a local market. In a fit of rage, Ravi picks up a heavy stone and throws it at Suresh with the intention to seriously harm him. The stone hits Suresh on the head, causing a severe injury but not death. Under Section 110 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with attempting to commit culpable homicide because his actions, if they had resulted in death, would have amounted to culpable homicide not amounting to murder. Ravi could face imprisonment for up to seven years, a fine, or both.

Example 2:

During a family dispute, Priya, in a moment of intense anger, grabs a kitchen knife and lunges at her brother, Raj, aiming for his chest. Raj manages to dodge, and the knife only grazes his arm, causing a minor injury. Priya's actions, if they had resulted in Raj's death, would have been considered culpable homicide not amounting to murder. Therefore, under Section 110 of The Bharatiya Nyaya Sanhita 2023, Priya can be charged with attempting to commit culpable homicide and could be punished with imprisonment for up to three years, a fine, or both.

Section 111: Organised crime.

Organised Crime

(1) Any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cyber-crimes, trafficking of persons, drugs, weapons or illicit goods or services, human trafficking for prostitution or ransom, by any person or a group of persons 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, or by any other unlawful means to obtain direct or indirect material benefit including a financial benefit, shall constitute organised crime.

Explanation. - For the purposes of this sub-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.

(2) Whoever commits organised crime shall, -

(a) if such offence has resulted in the death of any person, be punished with death or imprisonment for life, and shall also be liable to fine which shall not be less than ten lakh rupees ;

(b) in any other case, be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

(3) Whoever abets, attempts, conspires or knowingly facilitates the commission of an organised crime, or otherwise engages in any act preparatory to an organised crime, shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

(4) Any person who is a member of an organised crime syndicate shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

(5) Whoever, intentionally, harbours or conceals any person who has committed the offence of an organised crime shall be punished with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees :

Provided that this sub-section shall not apply to any case in which the harbour or concealment is by the spouse of the offender.

(6) Whoever possesses any property derived or obtained from the commission of an organised crime or proceeds of any organised crime or which has been acquired through the organised crime, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than two lakh rupees.

(7) If any person on behalf of a member of an organised crime syndicate is, or at any time has been in possession of movable or immovable property which he can not satisfactorily account for, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for ten years and shall also be liable to fine which shall not be less than one lakh rupees.

Simplified Acts

Organised Crime

(1) Organised crime includes any ongoing illegal activities like kidnapping, robbery, stealing vehicles, extortion, taking land illegally, contract killing, economic crimes, cybercrimes, trafficking people, drugs, weapons, or illegal goods or services, human trafficking for prostitution or ransom. This can be done by a person or a group, either alone or together, as part of an organised

crime group or on behalf of such a group. They use violence, threats, intimidation, coercion, or other illegal methods to get direct or indirect benefits, including financial gain.

Explanation. - For the purposes of this sub-section,--

(i) "organised crime syndicate" means a group of two or more people who, acting alone or together, as a gang or group, engage in ongoing illegal activities;

(ii) "continuing unlawful activity" means an activity that is illegal and punishable by at least three years in prison. This activity is done by a person, alone or with others, as part of an organised crime group or on behalf of such a group. There must be more than one charge-sheet filed in court within the last ten years, and the court must have taken notice of these offences. This includes economic crimes;

(iii) "economic offence" includes crimes like breach of trust, forgery, counterfeiting currency, illegal money transfers (hawala), mass-marketing fraud, or any scheme to cheat multiple people or any act to defraud a bank, financial institution, or any other organisation to get money.

(2) Whoever commits organised crime shall, -

(a) if the crime results in someone's death, be punished with death or life imprisonment, and also a fine of at least ten lakh rupees;

(b) in any other case, be punished with imprisonment for at least five years, which can extend to life imprisonment, and also a fine of at least five lakh rupees.

(3) Whoever helps, tries, plans, or knowingly makes it easier to commit organised crime, or does anything to prepare for organised crime, shall be punished with imprisonment for at least five years, which can extend to life imprisonment, and also a fine of at least five lakh rupees.

(4) Any person who is a member of an organised crime group shall be punished with imprisonment for at least five years, which can extend to life imprisonment, and also a fine of at least five lakh rupees.

(5) Whoever intentionally hides or shelters someone who has committed organised crime shall be punished with imprisonment for at least three years, which can extend to life imprisonment, and also a fine of at least five lakh rupees:

Provided that this sub-section shall not apply if the person hiding or sheltering is the spouse of the offender.

(6) Whoever possesses any property obtained from organised crime or proceeds from organised crime, or acquired through organised crime, shall be punished with imprisonment for at least three years, which can extend to life imprisonment, and also a fine of at least two lakh rupees.

(7) If any person, on behalf of a member of an organised crime group, has or has had possession of movable or immovable property that they cannot satisfactorily explain, shall be punished with imprisonment for at least three years, which can extend to ten years, and also a fine of at least one lakh rupees.

Explanation using Example

Example 1:

Ravi and his associates have been involved in a series of unlawful activities over the past five years. They have committed multiple offenses including kidnapping for ransom, extortion from local businesses, and vehicle theft. They operate as a well-organized gang, using threats and violence to intimidate their victims. The police have filed several charge-sheets against them, and the court has taken cognizance of these offenses. Under Section 111 of The Bharatiya Nyaya Sanhita 2023, Ravi and his associates are guilty of organized crime. If their activities have resulted in the death of any person, they could face the death penalty or life imprisonment along with a fine of not less than ten lakh rupees. In other cases, they could be imprisoned for a term not less than five years, which may extend to life imprisonment, and fined not less than five lakh rupees.

Example 2:

Meena, a member of an organized crime syndicate, has been involved in economic offenses such as running a fraudulent investment scheme that defrauded hundreds of people. She has also been involved in hawala transactions and counterfeiting currency notes. The police have filed multiple charge-sheets against her in the past ten years, and the court has taken cognizance of these offenses. Under Section 111 of The Bharatiya Nyaya Sanhita 2023, Meena is guilty of organized crime. She could be punished with imprisonment for a term not less than five years, which may extend to life imprisonment, and fined not less than five lakh rupees. Additionally, if Meena's

husband knowingly harbors or conceals her, he could also face imprisonment for a term not less than three years, which may extend to life imprisonment, and a fine not less than five lakh rupees.

Section 112: Petty organised crime.

(1) Petty Organised Crime

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.

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 Automated Teller Machine.

(2) Punishment for Petty Organised Crime

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.

Simplified Acts

(1) Petty Organised Crime

If you are part of a group or gang and you, either alone or with others, do any of the following:

Steal something

Snatch something

Cheat someone

Sell tickets without permission

Bet or gamble without permission

Sell public exam question papers

Or do any other similar crime

Then you are committing a petty organised crime.

Explanation: "Theft" here includes:

Stealing by tricking someone

Stealing from a vehicle, house, or business

Stealing cargo

Pickpocketing

Stealing by skimming cards

Shoplifting

Stealing from an ATM

(2) Punishment for Petty Organised Crime

If you commit a petty organised crime, you can be sent to prison for at least one year and up to seven years. You may also have to pay a fine.

Explanation using Example

Example 1:

Ravi is part of a small gang in Mumbai that specializes in pickpocketing in crowded local trains. One day, Ravi and his gang members decide to target a busy train during rush hour. Ravi manages to steal several wallets and mobile phones from unsuspecting passengers. Since Ravi is part of a group that commits theft in an organized manner, he is guilty of petty organised crime under Section 112 of The Bharatiya Nyaya Sanhita 2023. Ravi could face imprisonment for a term ranging from one to seven years and may also be fined.

Example 2:

Priya is a member of a group that sells unauthorized tickets for popular cricket matches in Delhi. The group buys tickets in bulk and then sells them at inflated prices outside the stadium. One day, Priya is caught selling these unauthorized tickets by the police. Since she is part of an organized group involved in unauthorized selling of tickets, Priya is committing a petty organised crime as per Section 112 of The Bharatiya Nyaya Sanhita 2023. She

could be sentenced to imprisonment for a term between one and seven years and may also be required to pay a fine.

Example 3:

Amit is part of a gang that operates in Bangalore, specializing in cheating people through card skimming at ATMs. The gang installs skimming devices on ATMs to steal card information and then uses this information to withdraw money from the victims' accounts. Amit is caught red-handed while installing a skimming device. As a member of an organized group committing theft through card skimming, Amit is guilty of petty organised crime under Section 112 of The Bharatiya Nyaya Sanhita 2023. He could face imprisonment for a term of one to seven years and may also be fined.

Example 4:

Sunil is involved with a group that leaks public examination question papers in Hyderabad. The group manages to get hold of the question papers before the exams and sells them to students for a high price. Sunil is caught distributing these leaked question papers. Since he is part of an organized group engaged in selling public examination question papers, Sunil is committing a petty organised crime as defined in Section 112 of The Bharatiya Nyaya Sanhita 2023. He could be punished with imprisonment for a term ranging from one to seven years and may also be liable to pay a fine.

Section 113: Terrorist act.

Section (1)

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 agencies ; or

(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.

Section (2)

Whoever commits a terrorist act shall, -

(a) if such offence has resulted in the death of any person, be punished with death or imprisonment for life, and shall also be liable to fine ;

(b) in any other case, be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Section (3)

Whoever conspires or attempts to commit, or advocates, abets, advises or incites, directly or knowingly facilitates the commission of a terrorist act or any act preparatory to the commission of a terrorist act, shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Section (4)

Whoever organises or causes to be organised any camp or camps for imparting training in terrorist act, or recruits or causes to be recruited any person or persons for commission of a terrorist act, shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Section (5)

Any person who is a member of an organisation which is involved in terrorist act, shall be punished with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine.

Section (6)

Whoever voluntarily harbours or conceals, or attempts to harbour or conceal any person knowing that such person has committed a terrorist act shall be punished with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and shall also be liable to fine :

Provided that this sub-section shall not apply to any case in which the harbour or concealment is by the spouse of the offender.

Section (7)

Whoever knowingly possesses any property derived or obtained from commission of any terrorist act or acquired through the commission of any terrorist act shall be punished with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine.

Explanation. - For the removal of doubts, it is hereby declared that the officer not below the rank of Superintendent of Police shall decide whether to register the case under this section or under the Unlawful Activities (Prevention) Act, 1967.

Simplified Acts

Section (1)

Anyone who does something with the intention to threaten or is likely to threaten the unity, integrity, sovereignty, security, or economic security of India, or to cause fear among people in India or any other country, --

(a) by using bombs, dynamite, or other explosive or flammable substances, firearms, lethal weapons, poisonous gases, chemicals, or any other dangerous materials (whether biological, radioactive, nuclear, or otherwise) to cause or likely to cause, -

(i) death or injury to any person or people; or

(ii) loss, damage, or destruction of property; or

(iii) disruption of essential supplies or services for the community in India or any other country; or

(iv) harm to India's monetary stability by producing, smuggling, or circulating fake Indian currency or coins; or

(v) damage or destruction of any property in India or another country used for India's defense or other government purposes; or

(b) intimidates by using criminal force or showing criminal force, or tries to do so, or causes the death of any public official or tries to cause their death; or

(c) detains, kidnaps, or abducts any person and threatens to kill or injure them to force the Government of India, any State Government, a foreign government, an international organization, or any other person to do or not do something, commits a terrorist act.

Explanation. - For this section, -

(a) "public functionary" means constitutional authorities or any other official notified by the Central Government as a public functionary;

(b) "counterfeit Indian currency" means fake currency that imitates or compromises the key security features of Indian currency, as declared by an authorized forensic authority.

Section (2)

Anyone who commits a terrorist act shall, -

(a) if the act results in the death of any person, be punished with death or life imprisonment, and also be fined;

(b) in any other case, be punished with imprisonment for at least five years, which can extend to life imprisonment, and also be fined.

Section (3)

Anyone who plans, tries to commit, supports, encourages, advises, or knowingly helps in committing a terrorist act or preparing for a terrorist act, shall be punished with imprisonment for at least five years, which can extend to life imprisonment, and also be fined.

Section (4)

Anyone who organizes or helps organize any camp for training in terrorist acts, or recruits or helps recruit people for committing terrorist acts, shall be punished with imprisonment for at least five years, which can extend to life imprisonment, and also be fined.

Section (5)

Anyone who is a member of an organization involved in terrorist acts shall be punished with imprisonment that can extend to life imprisonment, and also be fined.

Section (6)

Anyone who willingly hides or tries to hide a person knowing that they have committed a terrorist act shall be punished with imprisonment for at least three years, which can extend to life imprisonment, and also be fined:

Provided that this does not apply if the person hiding the offender is their spouse.

Section (7)

Anyone who knowingly possesses any property obtained from committing a terrorist act shall be punished with imprisonment that can extend to life imprisonment, and also be fined.

Explanation. - To clarify, an officer not below the rank of Superintendent of Police will decide whether to register the case under this section or under the Unlawful Activities (Prevention) Act, 1967.

Explanation using Example

Example 1:

Ravi, a disgruntled individual, decides to create chaos by planting a bomb in a crowded market in Delhi. His intent is to cause fear and disrupt the daily lives of people. The bomb explodes, causing injuries to several people and significant damage to nearby shops. Under Section 113 of The Bharatiya Nyaya Sanhita 2023, Ravi's actions are considered a terrorist act because he used an explosive substance with the intent to strike terror and cause injury and property damage. Ravi could face life imprisonment or even the death penalty if any fatalities occur.

Example 2:

A group of individuals, led by Arjun, is found to be running a secret training camp in a remote area of Maharashtra. They are training recruits in the use of firearms and explosives with the intent to carry out attacks on government buildings. Under Section 113, specifically Section (4), Arjun and his associates are organizing a camp for imparting training in terrorist acts. They could be punished with imprisonment for a term that may extend to life imprisonment and also be liable to a fine.

Example 3:

Meera, a member of a terrorist organization, is caught with a large sum of counterfeit Indian currency. She was planning to use this money to fund terrorist activities and destabilize the Indian economy. Under Section 113, specifically Section (1)(a)(iv), Meera's possession of counterfeit currency with the intent to damage the monetary stability of India is considered a terrorist act. She could face imprisonment for a term that may extend to life imprisonment and also be liable to a fine.

Example 4:

Rajesh, a software engineer, is found to be knowingly providing technical support to a terrorist group by helping them hack into government databases. His actions facilitate the commission of terrorist acts by disrupting essential services. Under Section 113, specifically Section (3), Rajesh's actions of knowingly facilitating the commission of a terrorist act could result in imprisonment for a term that may extend to life imprisonment and also be liable to a fine.

Example 5:

Priya, the wife of a known terrorist, is found to be hiding her husband in their home, knowing that he has committed several terrorist acts. However, under Section 113, specifically Section (6), Priya's actions of harboring her husband are not punishable because the law provides an exception for spouses. If it were anyone else, they could face imprisonment for a term that may extend to life imprisonment and also be liable to a fine.

OF HURT

Section 114: Hurt.

Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

Section 115: Voluntarily causing hurt.

(1) Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt".

(2) Whoever, except in the case provided for by sub-section (1) of section 122 voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

Simplified Acts

(1) If someone does something with the intention of hurting another person, or knows that their actions are likely to hurt someone, and they do end up hurting that person, it is called "voluntarily causing hurt."

(2) If someone voluntarily causes hurt (except in the specific situation mentioned in section 122, sub-section (1)), they can be punished with up to one year in jail, or a fine up to ten thousand rupees, or both.

Explanation using Example

Example 1:

Ravi and Suresh are neighbors who have had a long-standing dispute over a boundary wall. One day, during a heated argument, Ravi picks up a stone and throws it at Suresh, intending to hurt him. The stone hits Suresh on the arm, causing a bruise. In this scenario, Ravi has voluntarily caused hurt to Suresh. Under Section 115 of the Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to one year, or with a fine up to ten thousand rupees, or both.

Example 2:

Priya and Anjali are colleagues at an office. During a disagreement over a project, Priya, in a fit of anger, pushes Anjali, causing her to fall and sprain her ankle. Priya did not intend to cause a serious injury but knew that her action could likely cause hurt. In this case, Priya has voluntarily caused hurt to Anjali. According to Section 115 of the Bharatiya Nyaya Sanhita 2023, Priya could face imprisonment for up to one year, a fine up to ten thousand rupees, or both.

Example 3:

During a cricket match in a local park, Raj accidentally hits the ball towards the spectators. The ball strikes a bystander, Meena, on the head, causing a minor injury. Raj did not intend to hurt Meena, nor did he have the knowledge that his action would likely cause hurt. Therefore, Raj's action does not fall under Section 115 of the Bharatiya Nyaya Sanhita 2023, as the hurt was not caused voluntarily.

Example 4:

Sunita and her friend Neha are having a playful argument. Sunita, in jest, pinches Neha's arm, causing a small bruise. Although Sunita did not intend to cause significant harm, she knew that her action would likely cause some hurt. In this situation, Sunita has voluntarily caused hurt to Neha. Under Section 115 of the Bharatiya Nyaya Sanhita 2023, Sunita could be punished with imprisonment for up to one year, a fine up to ten thousand rupees, or both.

Section 116: Grievous hurt.

The following kinds of hurt only are designated as "grievous", namely:

- (a) Emasculation;
- (b) Permanent privation of the sight of either eye;
- (c) Permanent privation of the hearing of either ear;
- (d) Privation of any member or joint;
- (e) Destruction or permanent impairing of the powers of any member or joint;
- (f) Permanent disfiguration of the head or face;
- (g) Fracture or dislocation of a bone or tooth;
- (h) Any hurt which endangers life or which causes the sufferer to be during the space of fifteen days in severe bodily pain, or unable to follow his ordinary pursuits.

Simplified Acts

The following types of injuries are considered "grievous":

- (a) Loss of the ability to reproduce (emasculation);
- (b) Permanent loss of sight in one eye;
- (c) Permanent loss of hearing in one ear;
- (d) Loss of any body part or joint;
- (e) Permanent damage to the function of any body part or joint;
- (f) Permanent scarring or disfigurement of the head or face;
- (g) Breaking or dislocating a bone or tooth;
- (h) Any injury that puts life in danger or causes severe pain for fifteen days, or makes the person unable to do their normal activities.

Explanation using Example

Example 1:

Ravi and Suresh got into a heated argument over a property dispute. In a fit of rage, Suresh picked up a heavy iron rod and struck Ravi on the head. As a result, Ravi suffered a severe skull fracture and was hospitalized for over three weeks. The injury caused Ravi to experience severe pain and he was unable to work during this period. Under Section 116 of the Bharatiya Nyaya Sanhita 2023, Suresh's action would be classified as causing "grievous hurt" because it involved a fracture and caused Ravi to be in severe pain and unable to follow his ordinary pursuits for more than fifteen days.

Example 2:

During a street fight, Anil punched Rajesh in the face multiple times. One of the punches landed directly on Rajesh's eye, causing permanent blindness in that eye. This injury would be considered "grievous hurt" under Section 116 of the Bharatiya Nyaya Sanhita 2023 because it resulted in the permanent privation of the sight of one eye.

Example 3:

Meena was involved in a car accident caused by a reckless driver. The accident resulted in Meena's arm being severely injured, leading to the permanent loss of function in her right hand. This would be classified as "grievous hurt" under Section 116 of the Bharatiya Nyaya Sanhita 2023 because it involved the destruction or permanent impairing of the powers of a member (her hand).

Example 4:

During a domestic dispute, Ramesh threw acid on his wife, causing severe burns and permanent disfiguration of her face. This act would be considered "grievous hurt" under Section 116 of the Bharatiya Nyaya Sanhita 2023 because it resulted in the permanent disfiguration of the head or face.

Example 5:

In a workplace accident, a heavy machine fell on Sunil's leg, causing a severe fracture and dislocation of the bones in his leg. Sunil had to undergo multiple surgeries and was bedridden for over a month. This injury would be classified as "grievous hurt" under Section 116 of the Bharatiya Nyaya Sanhita 2023 because it involved the fracture and dislocation of bones and caused Sunil to be in severe pain and unable to follow his ordinary pursuits for more than fifteen days.

Section 117: Voluntarily causing grievous hurt.

(1) Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt".

Explanation: A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of fifteen days. A has voluntarily caused grievous hurt.

(2) Whoever, except in the case provided for by sub-section (2) of section 122, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(3) Whoever commits an offence under sub-section (1) and in the course of such commission causes any hurt to a person which causes that person to be in permanent disability or in persistent vegetative state, 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.

(4) When a group of five or more persons acting in concert, causes grievous hurt to a person on the ground of his race, caste or community, sex, place of birth, language, personal belief or any other similar ground, each member of such group shall be guilty of the offence of causing grievous hurt, and shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

Section on Voluntarily Causing Serious Injury

(1) If someone intentionally causes harm, and the harm they intend or know they are likely to cause is serious, and the harm they actually cause is serious, they are said to "voluntarily cause serious injury."

Explanation: A person is only said to voluntarily cause serious injury if they both cause serious injury and intend or know they are likely to cause serious injury. However, if they intend or know they are likely to cause one type of serious injury but end up causing a different type of serious injury, they are still considered to have voluntarily caused serious injury.

Example

A, intending or knowing he is likely to permanently disfigure Z's face, hits Z. The hit does not permanently disfigure Z's face but causes Z severe pain for fifteen days. A has voluntarily caused serious injury.

(2) If someone voluntarily causes serious injury (except in certain cases covered by another specific law), they can be punished with up to seven years in prison and may also have to pay a fine.

(3) If someone commits the offense described in (1) and causes a person to have a permanent disability or to be in a persistent vegetative state, they will be punished with at least ten years in prison, and it could extend to life imprisonment, meaning they could be in prison for the rest of their life.

(4) If a group of five or more people together cause serious injury to someone because of that person's race, caste, community, sex, place of birth, language, personal belief, or any similar reason, each member of the group is guilty of causing serious injury. They can be punished with up to seven years in prison and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi and Suresh have a heated argument over a property dispute. In a fit of rage, Ravi picks up a heavy iron rod and hits Suresh on the leg, intending to break his leg. Suresh ends up with a fractured leg and severe pain that lasts for over a month. Here, Ravi has voluntarily caused grievous hurt to Suresh as he intended to cause serious injury and actually caused a grievous injury.

Example 2:

During a communal riot, a group of six individuals, including Raj, target a man named Imran because of his religion. They beat him severely, causing multiple fractures and internal injuries that result in Imran being bedridden for several months. Each member of the group, including Raj, is guilty of voluntarily

causing grievous hurt and can be punished with imprisonment for up to seven years and a fine.

Example 3:

Anita, in a fit of jealousy, throws acid on her colleague Priya's face, intending to disfigure her permanently. Priya suffers severe burns and loses vision in one eye. Anita has voluntarily caused grievous hurt, and since the injury has led to permanent disability, Anita can be punished with rigorous imprisonment for a term not less than ten years, which may extend to life imprisonment.

Example 4:

During a political rally, a group of five people, including Mohan, attack a journalist named Arjun because of his critical reporting. They beat him up, causing severe injuries that result in Arjun being in a persistent vegetative state. Each member of the group, including Mohan, is guilty of voluntarily causing grievous hurt and can be punished with rigorous imprisonment for a term not less than ten years, which may extend to life imprisonment.

Section 118: Voluntarily causing hurt or grievous hurt by dangerous weapons or means.

(1) Whoever, except in the case provided for by sub-section (1) of section 122, 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.

(2) Whoever, except in the case provided for by sub-section (2) of section 122, voluntarily causes grievous hurt by any means referred to in sub-section (1), shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than one year but which may extend to ten years, and shall also be liable to fine.

Simplified Acts

Section

(1) If someone, except in the situation described in sub-section (1) of section 122, intentionally hurts another person using any of the following:

a gun, knife, or any sharp object,

anything that can be used as a weapon and is likely to cause death,

fire or anything hot,

poison or any harmful chemical,

explosives,

any harmful substance that can be inhaled, swallowed, or absorbed into the blood,

or even an animal,

they can be punished with up to three years in jail, a fine up to twenty thousand rupees, or both.

(2) If someone, except in the situation described in sub-section (2) of section 122, intentionally causes serious injury using any of the methods mentioned in sub-section (1), they can be punished with life imprisonment, or imprisonment for at least one year and up to ten years, and they may also have to pay a fine.

Explanation using Example

Example 1:

Ravi and Suresh had a heated argument over a property dispute. In a fit of rage, Ravi picked up a knife from the kitchen and stabbed Suresh in the arm. Suresh suffered a deep wound but it was not life-threatening. Under Section 118(1) of The Bharatiya Nyaya Sanhita 2023, Ravi voluntarily caused hurt using a dangerous weapon (knife). Ravi could be punished with imprisonment for up to three years, or a fine up to twenty thousand rupees, or both.

Example 2:

During a village festival, Anil and his friends decided to play a prank on their neighbor, Rajesh. They mixed a small amount of a corrosive substance into Rajesh's drink, thinking it would just cause a mild reaction. However, Rajesh ended up with severe internal injuries and had to be hospitalized. Under

Section 118(2) of The Bharatiya Nyaya Sanhita 2023, Anil and his friends voluntarily caused grievous hurt by means of a corrosive substance. They could be punished with imprisonment for life, or with imprisonment for a term not less than one year but which may extend to ten years, and they would also be liable to a fine.

Section 119: Voluntarily causing hurt or grievous hurt to extort property, or to constrain to an illegal act.

(1) Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Whoever voluntarily causes grievous hurt for any purpose referred to in sub-section (1), shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

(1) If someone intentionally hurts another person to force them or someone who cares about them to give up property, valuable items, or to make them do something illegal or help commit a crime, that person can be sent to prison for up to ten years and may also have to pay a fine.

(2) If someone intentionally causes serious injury to another person for any of the reasons mentioned in section (1), that person can be sent to prison for life or up to ten years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a local moneylender, wants to extort money from Suresh, a small business owner. Ravi sends his associates to Suresh's shop. They threaten Suresh and beat him up, causing injuries, demanding that Suresh hand over his shop's earnings and sign over the deed to his property. This act of causing hurt to Suresh to extort property falls under Section 119(1) of The Bharatiya

Nyaya Sanhita 2023. Ravi and his associates can be punished with imprisonment for up to ten years and a fine.

Example 2:

Priya, a college student, is kidnapped by a gang. The gang contacts Priya's father, demanding a large sum of money and threatening to harm Priya if he does not comply. To show they are serious, they send a video of Priya being severely beaten, causing grievous injuries. This act of causing grievous hurt to extort money from Priya's father falls under Section 119(2) of The Bharatiya Nyaya Sanhita 2023. The gang members can be punished with imprisonment for life or imprisonment for up to ten years and a fine.

Section 120: Voluntarily causing hurt or grievous hurt to extort confession, or to compel restoration of property.

(1) Whoever voluntarily causes hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Illustrations

(a) A, a police-officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.

(b) A, a police-officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.

(c) A, a revenue officer, tortures Z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this section.

(2) Whoever voluntarily causes grievous hurt for any purpose referred to in sub-section (1), shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

Voluntarily Causing Hurt to Extort Confession or to Compel Restoration of Property

(1) If someone intentionally hurts another person to make them confess to something, give information about a crime, or return property or money, they can be sent to prison for up to seven years and may also have to pay a fine.

Examples

(a) If a police officer tortures someone to make them confess to a crime, the officer is committing a crime under this law.

(b) If a police officer tortures someone to make them reveal where stolen property is hidden, the officer is committing a crime under this law.

(c) If a revenue officer tortures someone to make them pay overdue taxes, the officer is committing a crime under this law.

(2) If someone intentionally causes serious injury for any of the reasons mentioned above, they can be sent to prison for up to ten years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a local businessman, owes a significant amount of money to a loan shark named Vikram. Vikram, in an attempt to recover his money, kidnaps Ravi and beats him severely, demanding that Ravi confess where he has hidden his assets. Vikram's actions fall under Section 120 of the Bharatiya Nyaya Sanhita 2023, as he voluntarily caused hurt to extort a confession about the location of Ravi's property. Vikram can be punished with imprisonment for up to seven years and a fine.

Example 2:

Inspector Sharma suspects that Ramesh, a local shopkeeper, is involved in a theft case. To extract a confession, Inspector Sharma physically assaults Ramesh, causing him severe injuries. Inspector Sharma's actions are covered under Section 120 of the Bharatiya Nyaya Sanhita 2023, as he voluntarily caused grievous hurt to extort a confession. Inspector Sharma can be punished with imprisonment for up to ten years and a fine.

Example 3:

Sunil, a revenue officer, is tasked with collecting overdue taxes from villagers. He finds that Suresh has not paid his taxes for several years. To compel Suresh to pay the arrears, Sunil beats him up. Sunil's actions are punishable under Section 120 of the Bharatiya Nyaya Sanhita 2023, as he voluntarily caused hurt to compel the payment of revenue. Sunil can be punished with imprisonment for up to seven years and a fine.

Example 4:

A group of local thugs, led by Raj, kidnaps Priya's brother and threatens to harm him unless Priya reveals the location of her family's hidden valuables. Raj and his gang's actions are covered under Section 120 of the Bharatiya Nyaya Sanhita 2023, as they voluntarily caused hurt to extort information leading to the restoration of property. Raj and his gang can be punished with imprisonment for up to seven years and a fine.

Example 5:

During an investigation, Officer Mehta suspects that a witness, Anil, knows the whereabouts of a missing person. To force Anil to reveal this information, Officer Mehta inflicts severe physical harm on him. Officer Mehta's actions are punishable under Section 120 of the Bharatiya Nyaya Sanhita 2023, as he voluntarily caused grievous hurt to extract information. Officer Mehta can be punished with imprisonment for up to ten years and a fine.

Section 121: Voluntarily causing hurt or grievous hurt to deter public servant from his duty.

(1) Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(2) Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public

servant, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to ten years, and shall also be liable to fine.

Simplified Acts

(1) If someone intentionally hurts a public servant while they are doing their job, or tries to stop them or any other public servant from doing their job, or because of something the public servant did while doing their job, that person can be punished. The punishment can be up to five years in prison, a fine, or both.

(2) If someone intentionally causes serious injury to a public servant while they are doing their job, or tries to stop them or any other public servant from doing their job, or because of something the public servant did while doing their job, that person will be punished. The punishment will be at least one year in prison but can go up to ten years, and they will also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a tax officer, visits a local business to conduct a routine audit. During the audit, he discovers some discrepancies and informs the business owner, Mr. Sharma, that he will need to investigate further. Mr. Sharma, fearing legal consequences, becomes aggressive and physically assaults Ravi, causing minor injuries. In this scenario, Mr. Sharma has voluntarily caused hurt to a public servant (Ravi) in the discharge of his duty. Under Section 121 of The Bharatiya Nyaya Sanhita 2023, Mr. Sharma can be punished with imprisonment for up to five years, or with a fine, or both.

Example 2:

Inspector Meena is on duty at a protest rally, ensuring that the event remains peaceful. During the rally, a group of protesters becomes violent and starts throwing stones at the police officers. One of the stones hits Inspector Meena, causing a severe head injury. The person who threw the stone, identified as Raj, is arrested. In this case, Raj has voluntarily caused grievous hurt to a public servant (Inspector Meena) in the discharge of her duty. Under Section 121 of The Bharatiya Nyaya Sanhita 2023, Raj can be punished with imprisonment for a term not less than one year but which may extend to ten years, and he shall also be liable to a fine.

Section 122: Voluntarily causing hurt or grievous hurt on provocation.

(1) Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

(2) Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine which may extend to ten thousand rupees, or with both.

Explanation. - This section is subject to the same proviso as Exception 1 of section 101.

Simplified Acts

(1) If someone hurts another person because they were suddenly and seriously provoked, and they didn't mean to hurt anyone else or know that they might hurt anyone else, they can be punished. The punishment can be up to one month in jail, a fine up to five thousand rupees, or both.

(2) If someone causes serious injury to another person because they were suddenly and seriously provoked, and they didn't mean to seriously hurt anyone else or know that they might seriously hurt anyone else, they can be punished. The punishment can be up to five years in jail, a fine up to ten thousand rupees, or both.

Explanation. - This section follows the same rule as Exception 1 of section 101.

Explanation using Example

Example 1:

Ravi and Suresh are neighbors in a small town in India. One day, Suresh accuses Ravi of stealing his bicycle in front of several other neighbors. Ravi, feeling deeply insulted and provoked by the false accusation, loses his temper and slaps Suresh. Ravi did not intend to cause any serious harm to Suresh, nor did he know that his actions would cause any injury to anyone else. Under Section 122(1) of The Bharatiya Nyaya Sanhita 2023, Ravi could be punished

with imprisonment for up to one month, or a fine up to five thousand rupees, or both, for voluntarily causing hurt on grave and sudden provocation.

Example 2:

Priya and Anjali are colleagues at an office in Mumbai. During a heated argument, Anjali makes a deeply personal and offensive remark about Priya's family. Provoked by this sudden and grave insult, Priya picks up a heavy paperweight and throws it at Anjali, causing a serious injury to Anjali's arm. Priya did not intend to cause grievous hurt, nor did she know that her actions would likely cause such harm to anyone other than Anjali. Under Section 122(2) of The Bharatiya Nyaya Sanhita 2023, Priya could be punished with imprisonment for up to five years, or a fine up to ten thousand rupees, or both, for voluntarily causing grievous hurt on grave and sudden provocation.

Section 123: Causing hurt by means of poison, etc., with intent to commit an offence.

Whoever administers to or causes to be taken by any person any poison or any stupefying, intoxicating or unwholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

If someone gives or makes another person take any poison, drug, or harmful substance with the intention to:

Cause harm to that person, or

Help commit a crime, or

Knowing it will likely cause harm,

That person can be punished with:

Up to ten years in prison, and

A possible fine.

Explanation using Example

Example 1:

Ravi, a businessman, has a rivalry with another businessman, Suresh. To sabotage Suresh's health and business, Ravi decides to mix a harmful chemical into Suresh's food during a business dinner. Suresh consumes the food and falls seriously ill. Ravi's actions fall under Section 123 of the Bharatiya Nyaya Sanhita 2023, as he administered a harmful substance with the intent to cause hurt to Suresh. Ravi can be punished with imprisonment for up to ten years and may also be fined.

Example 2:

Priya, a college student, wants to steal exam papers from her professor's office. To facilitate this, she offers her professor a drink laced with a strong sedative, causing him to fall unconscious. While the professor is unconscious, Priya sneaks into his office and steals the exam papers. Priya's act of administering a stupefying drug with the intent to facilitate the commission of an offence (theft) falls under Section 123 of the Bharatiya Nyaya Sanhita 2023. Priya can be punished with imprisonment for up to ten years and may also be fined.

Section 124: Voluntarily causing grievous hurt by use of acid, etc.

Section on Acid Attacks

(1) 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:

Provided further that any fine imposed under this sub-section shall be paid to 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

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.

Simplified Acts

Section on Acid Attacks

(1) If someone causes permanent or partial damage, deformity, burns, maiming, disfigurement, or disability to any part of a person's body, or causes serious injury by throwing acid on them, giving them acid, or using any other method with the intention or knowledge that it could cause such harm, or puts a person in a permanent vegetative state, they will be punished with at least ten years in prison, which can extend to life imprisonment, and a fine:

The fine should be fair and enough to cover the victim's medical treatment.

The fine must be paid to the victim.

(2) If someone tries to throw acid on a person, tries to give them acid, or tries to use any other method with the intention of causing permanent or partial damage, deformity, burns, maiming, disfigurement, disability, or serious injury, they will be punished with at least five years in prison, which can extend to seven years, and will also have to pay a fine.

Explanation

Explanation 1. - In this section, "acid" means any substance that is acidic, corrosive, or has a burning nature, and can cause bodily injury leading to scars, disfigurement, or temporary or permanent disability.

Explanation 2. - In this section, permanent or partial damage, deformity, or a permanent vegetative state does not have to be irreversible.

Explanation using Example

Example 1:

Ravi, a 25-year-old man, had a dispute with his neighbor, Suresh, over a property boundary. In a fit of rage, Ravi threw a bottle of acid at Suresh, causing severe burns on Suresh's face and arms. Suresh was immediately taken to the hospital, where doctors confirmed that he had suffered permanent disfigurement and partial disability in his right arm. Under Section 124 of The Bharatiya Nyaya Sanhita 2023, Ravi would be charged with voluntarily causing grievous hurt by use of acid. He would face imprisonment for a term not less than ten years, which could extend to life imprisonment, and would also be liable to pay a fine to cover Suresh's medical expenses.

Example 2:

Priya, a college student, was being harassed by a classmate, Arjun. One day, Arjun attempted to throw acid on Priya while she was walking home from college. Fortunately, Priya managed to dodge the attack, and the acid only caused minor burns on her hand. Despite the minor injury, Arjun's intention to cause grievous hurt was clear. Under Section 124(2) of The Bharatiya Nyaya Sanhita 2023, Arjun would be charged with attempting to cause grievous hurt by use of acid. He would face imprisonment for a term not less than five years, which could extend to seven years, and would also be liable to pay a fine.

Example 3:

Sunita, a domestic worker, was attacked by her employer, Mrs. Sharma, who poured a corrosive cleaning agent on her face during an argument. Sunita suffered severe burns and permanent scarring on her face. Mrs. Sharma's actions fall under Section 124 of The Bharatiya Nyaya Sanhita 2023, as she caused permanent damage and disfigurement by using a substance with acidic properties. Mrs. Sharma would be punished with imprisonment for a term not less than ten years, which could extend to life imprisonment, and would also be required to pay a fine to cover Sunita's medical expenses.

Example 4:

During a heated argument at a local market, Ramesh threw a bottle of acid at his business rival, Anil. Although Anil managed to shield his face, the acid caused severe burns on his chest and arms, leading to partial disability. Ramesh's act of throwing acid with the intention of causing grievous hurt would be prosecuted under Section 124 of The Bharatiya Nyaya Sanhita 2023.

Ramesh would face imprisonment for a term not less than ten years, which could extend to life imprisonment, and would also be liable to pay a fine to cover Anil's medical expenses.

Section 125: Act endangering life or personal safety of others.

Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two thousand five hundred rupees, or with both, but -

(a) where hurt is caused, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both;

(b) where grievous hurt is caused, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both.

Simplified Acts

Anyone who acts carelessly or recklessly in a way that puts other people's lives or safety at risk can be punished with:

Up to three months in jail, or

A fine of up to two thousand five hundred rupees, or

Both jail time and a fine.

However, if someone gets hurt because of this careless or reckless act:

(a) The person responsible can be punished with:

Up to six months in jail, or

A fine of up to five thousand rupees, or

Both jail time and a fine.

(b) If someone gets seriously hurt, the person responsible can be punished with:

Up to three years in jail, or

A fine of up to ten thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi, a resident of Mumbai, was driving his car at a very high speed in a crowded market area. He was not paying attention to the pedestrians and other vehicles. Due to his rash driving, he almost hit a group of people crossing the road. Although no one was hurt, his actions endangered the lives and personal safety of others. Under Section 125 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to three months, a fine of up to two thousand five hundred rupees, or both.

Example 2:

Suman, a factory worker in Delhi, was operating heavy machinery without following the safety protocols. She negligently left the machine running unattended, which led to an accident where her colleague, Ramesh, got injured. Ramesh suffered a broken arm due to the accident. Since Suman's negligence caused hurt to Ramesh, she can be punished under Section 125(a) of The Bharatiya Nyaya Sanhita 2023 with imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Example 3:

In a construction site in Bangalore, the supervisor, Ajay, failed to ensure that the workers were wearing safety harnesses while working at a height. Due to this negligence, one of the workers, Vinod, fell from the scaffolding and sustained severe injuries, including multiple fractures. Since Ajay's negligence caused grievous hurt to Vinod, he can be punished under Section 125(b) of The Bharatiya Nyaya Sanhita 2023 with imprisonment for up to three years, a fine of up to ten thousand rupees, or both.

OF WRONGFUL RESTRAINT AND WRONGFUL CONFINEMENT

Section 126: Wrongful restraint.

(1) Wrongful Restraint

Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception

The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

Illustration

A obstructs a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

(2) Punishment for Wrongful Restraint

Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

(1) Wrongful Restraint

If someone stops another person from going in a direction where that person has the right to go, it is called wrongful restraint.

Exception

If someone blocks a private path over land or water because they genuinely believe they have the legal right to do so, it is not considered an offense under this section.

Example

If A blocks a path that Z has the right to use, and A does not genuinely believe they have the right to block it, Z is stopped from passing. In this case, A is wrongfully restraining Z.

(2) Punishment for Wrongful Restraint

Anyone who wrongfully restrains another person can be punished with simple imprisonment for up to one month, or a fine up to five thousand rupees, or both.

Explanation using Example

Example 1:

Ravi is walking on a public road to reach his office. Suddenly, his neighbor, Suresh, stands in front of him and blocks his way, preventing Ravi from moving forward. Ravi asks Suresh to let him pass, but Suresh refuses without any valid reason. In this scenario, Suresh is wrongfully restraining Ravi because he is voluntarily obstructing Ravi's path, which Ravi has a right to proceed on.

Example 2:

Priya is driving her car on a public street. She encounters a group of protesters who have formed a human chain across the road, blocking all vehicles from passing. Priya has a right to drive on that road, but the protesters are preventing her from doing so. The protesters are wrongfully restraining Priya by obstructing her path.

Example 3:

Anil owns a piece of land and believes that he has the right to block a small private pathway that runs through his property. He places a gate across the pathway, preventing his neighbor, Sunita, from using it. However, Anil genuinely believes he has the lawful right to obstruct the pathway. In this case, Anil's action falls under the exception provided in the act, and he is not guilty of wrongful restraint.

Example 4:

Meena is walking through a park when a stranger, Raj, suddenly grabs her arm and prevents her from moving in any direction. Meena tries to free herself, but Raj continues to hold her back without any justification. Raj is wrongfully restraining Meena by voluntarily obstructing her movement.

Example 5:

Vikram is on his way to a job interview when his friend, Arjun, playfully stands in front of him and blocks his path for a few seconds. Although Arjun's action is brief and done in jest, it still constitutes wrongful restraint because he is voluntarily obstructing Vikram's movement, even if only momentarily.

Section 127: Wrongful confinement.

Wrongful Confinement

(1) Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

Illustrations

(a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

(2) Whoever wrongfully confines any person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

(3) Whoever wrongfully confines any person for three days, or more, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both.

(4) Whoever wrongfully confines any person for ten days or more, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine which shall not be less than ten thousand rupees.

(5) Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any term of imprisonment to which he may be liable under any other section of this Chapter and shall also be liable to fine.

(6) Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to three years in addition to any other punishment to which he may be liable for such wrongful confinement and shall also be liable to fine.

(7) Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security or of constraining the person confined or any person interested in such person to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(8) Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Simplified Acts

Wrongful Confinement

(1) If someone stops another person from moving beyond certain limits, they are said to "wrongfully confine" that person.

Examples

(a) If A forces Z into a walled area and locks the door, preventing Z from leaving, A is wrongfully confining Z.

(b) If A places armed guards at the exits of a building and tells Z that they will shoot if Z tries to leave, A is wrongfully confining Z.

(2) If someone wrongfully confines another person, they can be punished with up to one year in jail, a fine up to five thousand rupees, or both.

(3) If someone wrongfully confines another person for three days or more, they can be punished with up to three years in jail, a fine up to ten thousand rupees, or both.

(4) If someone wrongfully confines another person for ten days or more, they can be punished with up to five years in jail and a fine of at least ten thousand rupees.

(5) If someone keeps another person confined even though they know a court order has been issued to release that person, they can be punished with up to two years in jail, in addition to any other punishment they might face, and a fine.

(6) If someone confines another person in a way that hides the confinement from people who care about the confined person or from public officials, they can be punished with up to three years in jail, in addition to any other punishment, and a fine.

(7) If someone confines another person to force them or someone who cares about them to give up property, valuable items, or to do something illegal, they can be punished with up to three years in jail and a fine.

(8) If someone confines another person to force them or someone who cares about them to confess to a crime, give information about a crime, return property, or meet any other demand, they can be punished with up to three years in jail and a fine.

Explanation using Example

Example 1:

Ravi, a landlord, locks his tenant, Suresh, inside the apartment because Suresh has not paid the rent for two months. Ravi tells Suresh that he will not let him out until the rent is paid. Suresh is unable to leave the apartment and is confined within the four walls. This is a case of wrongful confinement under Section 127 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya is an employee at a company. Her manager, Raj, suspects her of leaking confidential information. Raj locks Priya in a small room in the office and tells her that she cannot leave until she confesses. Raj also places security guards outside the room to ensure Priya does not escape. This is another instance of wrongful confinement as per Section 127 of The Bharatiya Nyaya Sanhita 2023.

Example 3:

A group of kidnappers abducts Ramesh and keeps him in a hidden location. They send a message to Ramesh's family demanding a ransom of ₹10 lakh for his release. The kidnappers have wrongfully confined Ramesh for the purpose

of extorting money from his family, which is punishable under Section 127 of The Bharatiya Nyaya Sanhita 2023.

Example 4:

Sunita is held captive by a gang who wants her to reveal the location of a hidden treasure. They keep her in a secluded house and threaten her with harm if she does not disclose the information. This is wrongful confinement with the intent to extort information, falling under Section 127 of The Bharatiya Nyaya Sanhita 2023.

Example 5:

A police officer, without any legal warrant, detains Anil in a secret location and does not inform Anil's family or any other public servant about his whereabouts. The officer intends to keep Anil's confinement unknown to others. This act of wrongful confinement is punishable under Section 127 of The Bharatiya Nyaya Sanhita 2023.

OF CRIMINAL FORCE AND ASSAULT

Section 128: Force.

A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling:

Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the following three ways, namely:

- (a) by his own bodily power;
- (b) by disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person;
- (c) by inducing any animal to move, to change its motion, or to cease to move.

Simplified Acts

A person is said to use force on another person if they make that person move, stop moving, or change how they are moving. This also applies if they make something else move, stop moving, or change how it is moving, and that thing touches the other person's body, something they are wearing, or something they are carrying, or if it affects the other person's sense of touch.

However, this only counts as using force if the person causing the movement does it in one of these three ways:

(a) by using their own body;

(b) by setting something up so that it moves, stops moving, or changes how it is moving without needing to do anything else themselves or having someone else do anything;

(c) by making an animal move, change how it is moving, or stop moving.

Explanation using Example

Example 1:

Ravi and Suresh are neighbors who have had a long-standing dispute over a boundary wall. One day, Ravi sees Suresh walking past his house and decides to teach him a lesson. Ravi throws a stone at Suresh, which hits him on the back. In this scenario, Ravi has used force against Suresh by causing the stone to move and make contact with Suresh's body. This act falls under Section 128 of The Bharatiya Nyaya Sanhita 2023 as Ravi caused motion to a substance (the stone) that resulted in contact with Suresh's body.

Example 2:

Priya is walking her dog in the park when she sees her ex-boyfriend, Raj, approaching. Priya, wanting to avoid a confrontation, pulls on the leash to stop her dog from moving forward. However, the dog suddenly lunges towards Raj, causing Raj to stumble and fall. In this case, Priya has used force indirectly by inducing her dog to change its motion, which resulted in Raj falling. This scenario also falls under Section 128 of The Bharatiya Nyaya Sanhita 2023 as Priya induced an animal to change its motion, leading to contact with Raj.

Example 3:

Anita is carrying a tray of hot tea cups at a family gathering. Her cousin, Rohit, playfully pushes her from behind, causing her to lose balance and spill the hot tea on their uncle, Mr. Sharma. Here, Rohit has used force against Mr. Sharma

by causing Anita to change her motion, which led to the hot tea making contact with Mr. Sharma's body. This situation is covered under Section 128 of The Bharatiya Nyaya Sanhita 2023 as Rohit caused a change of motion that resulted in contact with another person.

Example 4:

During a festival, a group of children are playing with water balloons. One of the children, Arjun, throws a water balloon at his friend, Meera. The balloon bursts upon hitting Meera, soaking her clothes. In this instance, Arjun has used force against Meera by causing the water balloon to move and make contact with her body and clothing. This act is governed by Section 128 of The Bharatiya Nyaya Sanhita 2023 as Arjun caused motion to a substance (the water balloon) that resulted in contact with Meera.

Section 129: Criminal force.

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.

Illustrations

(a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other action on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.

(b) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, A has used criminal force to Z.

(c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has

acted thus intentionally, without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.

(e) A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes or something carried by Z. Here, if the throwing of the stone produces the effect of causing any substance to come into contact with Z, or Z's clothes, A has used force to Z, and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.

(f) A intentionally pulls up a woman's veil. Here A intentionally uses force to her, and if he does so without her consent intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.

(g) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling; A has therefore intentionally used force to Z; and if he has done this without Z's consent intending or knowing it to be likely that he may thereby cause injury, fear or annoyance to Z, A has used criminal force.

(h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear or annoyance to Z, he uses criminal force to Z.

Simplified Acts

Whoever uses force on another person without their permission, intending to commit a crime, or knowing that the use of force will likely cause injury, fear, or annoyance to that person, is using criminal force against them.

Examples

(a) Z is sitting in a boat that is tied up on a river. A unties the boat, causing it to drift downstream. A has intentionally caused the boat to move, using force

on Z without Z's permission. If A did this to commit a crime, or knowing it would likely cause injury, fear, or annoyance to Z, then A has used criminal force on Z.

(b) Z is riding in a carriage. A whips Z's horses, making them go faster. A has caused the carriage to move faster, using force on Z without Z's permission. If A did this to cause injury, fear, or annoyance to Z, then A has used criminal force on Z.

(c) Z is being carried in a palanquin. A grabs the pole and stops the palanquin, intending to rob Z. A has stopped the motion of the palanquin using his own strength. If A did this without Z's permission to commit a crime, then A has used criminal force on Z.

(d) A intentionally bumps into Z on the street. A has moved his body to make contact with Z. If A did this without Z's permission, intending to cause injury, fear, or annoyance to Z, then A has used criminal force on Z.

(e) A throws a stone, intending or knowing it will hit Z, Z's clothes, or something Z is carrying, or splash water onto Z. If the stone makes contact with Z or Z's belongings, and A did this without Z's permission to cause injury, fear, or annoyance, then A has used criminal force on Z.

(f) A intentionally pulls off a woman's veil. If A did this without her permission, intending to cause injury, fear, or annoyance, then A has used criminal force on her.

(g) Z is taking a bath. A pours boiling water into the bath. A has caused the boiling water to come into contact with Z or mix with the bath water affecting Z's feeling. If A did this without Z's permission, intending to cause injury, fear, or annoyance, then A has used criminal force on Z.

(h) A makes a dog jump on Z without Z's permission. If A intended to cause injury, fear, or annoyance to Z, then A has used criminal force on Z.

Explanation using Example

Example 1:

Ravi is walking down a busy street in Mumbai. Suddenly, Ajay, who has a grudge against Ravi, intentionally bumps into him hard, causing Ravi to stumble and drop his phone. Ajay did this without Ravi's consent and with the

intention to annoy and possibly injure Ravi. Here, Ajay has used criminal force against Ravi.

Example 2:

Priya is sitting in a park in Delhi, reading a book. Ramesh, who wants to scare Priya, throws a small stone towards her. The stone hits the ground near Priya, causing dirt to splash onto her clothes. Ramesh did this without Priya's consent and with the intention to frighten her. Here, Ramesh has used criminal force against Priya.

Example 3:

Sunita is riding her bicycle in Bangalore. Raj, who wants to rob Sunita, grabs the handlebar of her bicycle and stops her abruptly. Raj did this without Sunita's consent and with the intention to commit an offence. Here, Raj has used criminal force against Sunita.

Example 4:

Arjun is sitting in a café in Chennai, enjoying his coffee. Vikram, who dislikes Arjun, intentionally pours a glass of cold water over Arjun's head. Vikram did this without Arjun's consent and with the intention to annoy him. Here, Vikram has used criminal force against Arjun.

Example 5:

Meera is attending a wedding in Kolkata. During the ceremony, Suresh, who wants to embarrass Meera, intentionally pulls her saree pallu. Suresh did this without Meera's consent and with the intention to cause her annoyance and embarrassment. Here, Suresh has used criminal force against Meera.

Example 6:

Rahul is jogging in a park in Hyderabad. Karan, who wants to scare Rahul, incites his dog to chase after Rahul. The dog runs towards Rahul, causing him to panic and run faster. Karan did this without Rahul's consent and with the intention to cause fear. Here, Karan has used criminal force against Rahul.

Section 130: Assault.

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.

Illustrations

(a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(c) A takes up a stick, saying to Z, "I will give you a beating". Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

Simplified Acts

If someone makes a gesture or does something that makes another person think they are about to be attacked, that person is committing an assault.

Explanation. - Just saying something is not enough to be considered an assault. However, the words someone uses can give meaning to their actions, making those actions an assault.

Examples

(a) If A shakes their fist at Z, making Z think that A is about to hit them, A has committed an assault.

(b) If A starts to unleash a dangerous dog, making Z think that the dog is about to attack them, A has committed an assault on Z.

(c) If A picks up a stick and says to Z, "I will beat you," even though the words alone are not an assault, the combination of the words and the action can be considered an assault.

Explanation using Example

Example 1:

Ravi and Suresh are having a heated argument in a public park. In the heat of the moment, Ravi picks up a large stone and raises it as if he is about to throw it at Suresh. Even though Ravi does not actually throw the stone, Suresh feels threatened and believes that Ravi is about to harm him. In this scenario, Ravi has committed an assault under Section 130 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya and Anjali are colleagues who have had a disagreement at work. During a confrontation in the office, Priya angrily points a pair of scissors at Anjali and takes a step forward, making Anjali believe that Priya is about to stab her. Although Priya does not actually stab Anjali, her gesture and the context make Anjali fear imminent harm. Priya's actions constitute an assault under Section 130 of The Bharatiya Nyaya Sanhita 2023.

Section 131: Punishment for assault or criminal force otherwise than on grave provocation.

Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Explanation 1

Grave and sudden provocation will not mitigate the punishment for an offence under this section, -

- (a) if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence; or
- (b) if the provocation is given by anything done in obedience to the law, or by a public servant, in the lawful exercise of the powers of such public servant; or
- (c) if the provocation is given by anything done in the lawful exercise of the right of private defence.

Explanation 2

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

Simplified Acts

Whoever physically attacks or uses force against another person without being seriously and suddenly provoked by that person, can be punished with up to three months in jail, a fine of up to one thousand rupees, or both.

Explanation 1

Serious and sudden provocation will not reduce the punishment for the offense under this section if:

- (a) the offender intentionally provoked the situation to use it as an excuse for the offense; or
- (b) the provocation was caused by someone acting according to the law or by a public servant doing their job legally; or
- (c) the provocation was caused by someone lawfully defending themselves.

Explanation 2

Whether the provocation was serious and sudden enough to reduce the punishment is a matter of fact that needs to be determined.

Explanation using Example

Example 1:

Ravi and Suresh are neighbors in a residential colony in Mumbai. One day, Ravi and Suresh have a minor argument over parking space. In a fit of anger, Ravi pushes Suresh, causing him to fall and sustain minor injuries. Suresh did not provoke Ravi in any significant way that could be considered "grave and sudden provocation." Under Section 131 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished for using criminal force against Suresh. Ravi may face imprisonment for up to three months, a fine up to one thousand rupees, or both.

Example 2:

Priya is walking in a crowded market in Delhi when she accidentally steps on Ramesh's foot. Ramesh, in a fit of rage, slaps Priya. Priya did not provoke Ramesh in any grave or sudden manner. Under Section 131 of The Bharatiya

Nyaya Sanhita 2023, Ramesh can be punished for assaulting Priya. He may face imprisonment for up to three months, a fine up to one thousand rupees, or both.

Example 3:

During a cricket match in a local park in Bangalore, Ajay and Vikram get into a heated argument over a disputed run. Ajay, in anger, punches Vikram. Vikram did not provoke Ajay in any grave or sudden manner. Under Section 131 of The Bharatiya Nyaya Sanhita 2023, Ajay can be punished for using criminal force against Vikram. Ajay may face imprisonment for up to three months, a fine up to one thousand rupees, or both.

Example 4:

Meena is a shopkeeper in Chennai. One day, a customer, Anil, accuses her of overcharging and starts shouting at her. Meena, feeling insulted, throws a bottle of water at Anil. Anil's accusation, even if it was incorrect, does not amount to grave and sudden provocation. Under Section 131 of The Bharatiya Nyaya Sanhita 2023, Meena can be punished for using criminal force against Anil. She may face imprisonment for up to three months, a fine up to one thousand rupees, or both.

Section 132: Assault or criminal force to deter public servant from discharge of his duty.

Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If anyone attacks or uses force against a public servant (like a police officer or government worker) while they are doing their job, or tries to stop them from doing their job, or because of something they did while doing their job, that person can be punished.

The punishment can be:

Up to two years in jail, or

A fine, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi, a tax officer, visits a local shop to conduct a routine inspection and ensure that the shop owner, Suresh, is complying with tax regulations. Suresh, unhappy with the inspection, pushes Ravi and threatens him with a stick to deter him from continuing the inspection. In this scenario, Suresh has used criminal force to deter a public servant (Ravi) from discharging his duty. Under Section 132 of The Bharatiya Nyaya Sanhita 2023, Suresh can be punished with imprisonment for up to two years, a fine, or both.

Example 2:

Inspector Meena is on duty at a traffic checkpoint, ensuring that all vehicles comply with traffic rules. During her duty, she stops Rajesh for not wearing a helmet while riding his motorcycle. Rajesh, in an attempt to avoid a fine, verbally abuses and physically pushes Inspector Meena. This act of assaulting a public servant while she is performing her duty falls under Section 132 of The Bharatiya Nyaya Sanhita 2023. Rajesh can face imprisonment for up to two years, a fine, or both for his actions.

Section 133: Assault or criminal force with intent to dishonour person, otherwise than on grave provocation.

Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone attacks or uses force on another person to insult or disrespect them, and it wasn't because the other person suddenly and seriously provoked them, they can be punished.

The punishment can be up to two years in jail, a fine, or both.

Explanation using Example

Example 1:

Ravi and Suresh are neighbors who have had a long-standing feud. One day, Ravi sees Suresh walking down the street and decides to humiliate him. Ravi throws a bucket of dirty water on Suresh in front of several other neighbors. Suresh did not provoke Ravi in any way at that moment. Ravi's action is intended to dishonor Suresh. Under Section 133 of the Bharatiya Nyaya Sanhita 2023, Ravi can be charged with assault or criminal force with intent to dishonor Suresh and may face imprisonment for up to two years, a fine, or both.

Example 2:

Priya and Anjali work in the same office. Priya is jealous of Anjali's recent promotion. One day, in the office cafeteria, Priya deliberately pushes Anjali, causing her to spill food all over herself in front of their colleagues. Anjali did not provoke Priya at that moment. Priya's action is intended to embarrass and dishonor Anjali. Under Section 133 of the Bharatiya Nyaya Sanhita 2023, Priya can be charged with assault or criminal force with intent to dishonor Anjali and may face imprisonment for up to two years, a fine, or both.

Section 134: Assault or criminal force in attempt to commit theft of property carried by a person.

Whoever assaults or uses criminal force to any person, in attempting to commit theft on any property which that person is then wearing or carrying, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone attacks or uses force on another person while trying to steal something that the person is wearing or carrying, they can be punished.

The punishment can be up to two years in prison, a fine, or both.

Explanation using Example

Example 1:

Ravi is walking home from the market carrying a bag of groceries. Suddenly, a man named Suresh approaches Ravi and tries to snatch the bag from him. In the process, Suresh pushes Ravi to the ground and hits him. This act of using force to try to steal the bag of groceries falls under Section 134 of The Bharatiya Nyaya Sanhita 2023. Suresh can be punished with imprisonment for up to two years, a fine, or both.

Example 2:

Priya is wearing a gold necklace while traveling on a crowded bus. A thief named Arjun attempts to steal the necklace by forcefully pulling it off her neck. Priya resists, and Arjun slaps her to overpower her and take the necklace. This use of criminal force in an attempt to commit theft of the necklace Priya is wearing is covered under Section 134 of The Bharatiya Nyaya Sanhita 2023. Arjun can face imprisonment for up to two years, a fine, or both.

Section 135: Assault or criminal force in attempt to wrongfully confine a person.

Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone attacks or uses force on another person while trying to wrongfully keep them confined, they can be punished.

The punishment can be:

Up to one year in jail, or

A fine up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi and Suresh have a dispute over a piece of land. One day, Ravi sees Suresh walking near the disputed land and decides to confront him. Ravi grabs Suresh by the collar and pushes him into a nearby shed, locking the door from outside

to prevent Suresh from leaving. Ravi's intention is to confine Suresh until he agrees to give up his claim on the land. In this scenario, Ravi has used criminal force to wrongfully confine Suresh, and he can be punished under Section 135 of the Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya is a manager at a company and has a disagreement with her subordinate, Anil, over a project. In a fit of anger, Priya orders the security guards to lock Anil in a conference room until he agrees to follow her instructions. The security guards, following Priya's orders, physically restrain Anil and lock him in the room. Here, Priya and the security guards have used criminal force to wrongfully confine Anil, making them liable for punishment under Section 135 of the Bharatiya Nyaya Sanhita 2023.

Section 136: Assault or criminal force on grave provocation. Of kidnapping, abduction, slavery and forced labour

Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Explanation. - This section is subject to the same Explanation as section 131.

Of kidnapping, abduction, slavery and forced labour

Simplified Acts

If someone attacks or uses force against another person because that person provoked them seriously and suddenly, they can be punished. The punishment can be:

Simple imprisonment for up to one month, or

A fine of up to one thousand rupees, or

Both imprisonment and a fine.

Explanation. - This rule follows the same explanation as section 131.

About kidnapping, abduction, slavery, and forced labor

Explanation using Example

Example 1:

Ravi and Suresh are neighbors in a small town in India. One day, Suresh accuses Ravi of stealing his bicycle in front of other neighbors, which is a false accusation. Ravi, feeling deeply insulted and provoked by this sudden and grave accusation, loses his temper and slaps Suresh. Under Section 136 of The Bharatiya Nyaya Sanhita 2023, Ravi could be charged with assault on grave provocation. If found guilty, Ravi could face simple imprisonment for up to one month, a fine up to one thousand rupees, or both.

Example 2:

Priya is walking home from work when she accidentally bumps into Ramesh, causing him to drop his groceries. Ramesh, already in a bad mood, starts yelling at Priya and calls her derogatory names. Priya, feeling humiliated and provoked by Ramesh's sudden outburst, pushes him away. Under Section 136 of The Bharatiya Nyaya Sanhita 2023, Priya could be charged with using criminal force on grave provocation. If found guilty, Priya could face simple imprisonment for up to one month, a fine up to one thousand rupees, or both.

OF KIDNAPPING, ABDUCTION, SLAVERY AND FORCED LABOUR

Section 137: Kidnapping.

(1) Kidnapping is of two kinds: kidnapping from India, and kidnapping from lawful guardianship:

(a) Whoever conveys any person beyond the limits of India without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from India;

(b) Whoever takes or entices any child or any person of unsound mind, out of the keeping of the lawful guardian of such child or person of unsound mind, without the consent of such guardian, is said to kidnap such child or person from lawful guardianship.

Explanation: The words "lawful guardian" in this clause include any person lawfully entrusted with the care or custody of such child or other person.

Exception: This clause does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

(2) Whoever kidnaps any person from India or from lawful guardianship shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

Kidnapping

(1) There are two types of kidnapping: kidnapping from India and kidnapping from lawful guardianship:

(a) If someone takes a person out of India without that person's consent, or without the consent of someone who is legally allowed to give consent for that person, it is called kidnapping from India.

(b) If someone takes or lures a child or a person who is mentally unstable away from their legal guardian without the guardian's consent, it is called kidnapping from lawful guardianship.

Explanation: The term "lawful guardian" includes anyone who is legally responsible for taking care of the child or the person who is mentally unstable.

Exception: This rule does not apply to someone who genuinely believes they are the father of an illegitimate child or believes they have the right to take care of the child, as long as they are not doing it for any immoral or illegal reason.

(2) Anyone who kidnaps a person from India or from their lawful guardian can be punished with up to seven years in prison and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a businessman, decides to take his 15-year-old nephew, Arjun, on a trip to Nepal without informing or obtaining consent from Arjun's parents, who are his lawful guardians. Ravi believes that Arjun would enjoy the trip and does not intend any harm. However, since Ravi did not get the consent of Arjun's parents, he has committed the offense of kidnapping from lawful guardianship under Section 137 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya, a 30-year-old woman, is mentally challenged and under the lawful guardianship of her brother, Rajesh. One day, Priya's distant relative, Sunita,

convinces Priya to come with her to another city without Rajesh's knowledge or consent. Sunita believes she can take better care of Priya but does not have any legal authorization to do so. By taking Priya away from her lawful guardian without consent, Sunita has committed the offense of kidnapping from lawful guardianship under Section 137 of The Bharatiya Nyaya Sanhita 2023.

Example 3:

Aman, a 25-year-old man, is in a relationship with a 17-year-old girl, Meera. Meera's parents do not approve of their relationship and have explicitly told Aman to stay away from her. One day, Aman convinces Meera to run away with him to another state. Since Meera is a minor and Aman took her away without her parents' consent, he has committed the offense of kidnapping from lawful guardianship under Section 137 of The Bharatiya Nyaya Sanhita 2023.

Example 4:

Suresh, a man who believes he is the biological father of a child born out of wedlock, takes the child from the mother's house without her consent. Suresh genuinely believes he has the right to the child's custody. However, if it is proven that Suresh took the child for an immoral or unlawful purpose, he would not be protected by the exception clause and would be guilty of kidnapping from lawful guardianship under Section 137 of The Bharatiya Nyaya Sanhita 2023.

Section 138: Abduction.

Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

Simplified Acts

Anyone who forces or tricks someone to leave a place is committing abduction.

Explanation using Example

Example 1:

Ravi, a 30-year-old man, forcibly grabs Priya, a 25-year-old woman, from a bus stop and drags her into his car against her will. He then drives her to an unknown location. In this scenario, Ravi has committed abduction under Section 138 of the Bharatiya Nyaya Sanhita 2023 because he used force to compel Priya to go from one place to another.

Example 2:

Suresh, a con artist, convinces Ramesh, a naive young man, that he has won a large sum of money in a lottery. Suresh tells Ramesh that he needs to come with him to a remote location to claim his prize. Believing Suresh, Ramesh willingly goes with him. However, Suresh's intention is to rob Ramesh once they reach the remote location. In this case, Suresh has committed abduction under Section 138 of the Bharatiya Nyaya Sanhita 2023 because he used deceitful means to induce Ramesh to go from one place to another.

Section 139: Kidnapping or maiming a child for purposes of begging.

(1) Whoever kidnaps any child or, not being the lawful guardian of such child, obtains the custody of the child, in order that such child may be employed or used for the purposes of begging shall be punishable with rigorous imprisonment 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.

(2) Whoever maims any child in order that such child may be employed or used for the purposes of begging shall be punishable with imprisonment which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine.

(3) Where any person, not being the lawful guardian of a child employs or uses such child for the purposes of begging, it shall be presumed, unless the contrary is proved, that he kidnapped or otherwise obtained the custody of such child in order that such child might be employed or used for the purposes of begging.

(4) In this section "begging" means -

(i) soliciting or receiving alms in a public place, whether under the pretence of singing, dancing, fortune telling, performing tricks or selling articles or otherwise;

(ii) entering on any private premises for the purpose of soliciting or receiving alms;

(iii) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(iv) using such child as an exhibit for the purpose of soliciting or receiving alms.

Simplified Acts

(1) If someone kidnaps a child or takes custody of a child without being their legal guardian, and does this to make the child beg, they will be punished with at least ten years in prison, which could go up to life in prison. They may also have to pay a fine.

(2) If someone injures a child to make the child beg, they will be punished with at least twenty years in prison, which could go up to life in prison, meaning they will stay in prison for the rest of their life. They will also have to pay a fine.

(3) If someone who is not the child's legal guardian makes the child beg, it will be assumed, unless proven otherwise, that they kidnapped or took custody of the child to make them beg.

(4) In this section, "begging" means:

(i) Asking for money or food in public places, whether by pretending to sing, dance, tell fortunes, perform tricks, sell items, or any other way;

(ii) Going onto private property to ask for money or food;

(iii) Showing or displaying any sore, wound, injury, deformity, or disease, whether on themselves, another person, or an animal, to get money or food;

(iv) Using a child to get money or food by showing them off.

Explanation using Example

Example 1:

Ravi, a 35-year-old man, kidnaps a 7-year-old boy named Arjun from a park in Delhi. Ravi is not Arjun's lawful guardian. He takes Arjun to a busy market area and forces him to beg by singing songs and asking for money from passersby. Ravi collects all the money that Arjun receives. Under Section 139(1) of The Bharatiya Nyaya Sanhita 2023, Ravi is guilty of kidnapping a child for the purpose of begging and can be punished with rigorous imprisonment for a term not less than ten years, which may extend to life imprisonment, and he is also liable to a fine.

Example 2:

Sunita, a 40-year-old woman, finds a 5-year-old girl named Meera wandering alone in a railway station in Mumbai. Sunita is not Meera's lawful guardian. She takes Meera to her home and intentionally injures Meera's leg to make her appear more pitiable. Sunita then takes Meera to various traffic signals and makes her beg by showing her injured leg to solicit sympathy and money from drivers. Under Section 139(2) of The Bharatiya Nyaya Sanhita 2023, Sunita is guilty of maiming a child for the purpose of begging and can be punished with imprisonment for not less than twenty years, which may extend to life imprisonment, meaning imprisonment for the remainder of her natural life, and she is also liable to a fine.

Example 3:

Ajay, a 28-year-old man, is found using a 6-year-old girl named Priya to beg at a temple entrance in Varanasi. Ajay is not Priya's lawful guardian. He makes Priya hold a bowl and ask for money from devotees. When questioned by the police, Ajay cannot provide any proof that he did not kidnap or unlawfully obtain custody of Priya. Under Section 139(3) of The Bharatiya Nyaya Sanhita 2023, it is presumed that Ajay kidnapped or otherwise obtained custody of Priya for the purpose of begging, unless he can prove otherwise. Ajay can be punished with rigorous imprisonment for a term not less than ten years, which may extend to life imprisonment, and he is also liable to a fine.

Example 4:

Ramesh, a 45-year-old man, takes his own son, 8-year-old Rohit, to a busy street in Kolkata. Ramesh makes Rohit perform tricks and magic shows to attract a crowd and then asks the crowd for money. Although Ramesh is Rohit's lawful guardian, his actions fall under the definition of "begging" as per Section 139(4)(i) of The Bharatiya Nyaya Sanhita 2023. However, since Ramesh is the lawful guardian, he is not punishable under this section, but other child protection laws may apply.

Section 140: Kidnapping or abducting in order to murder or for ransom, etc.

(1) Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with imprisonment for life or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Illustrations

(a) A kidnaps Z from India, intending or knowing it to be likely that Z may be sacrificed to an idol. A has committed the offence defined in this section.

(b) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this section.

(2) Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction, and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or any foreign State or international inter-governmental organisation or any other person to do or abstain from doing any act or to pay a ransom, shall be punishable with death, or imprisonment for life, and shall also be liable to fine.

(3) Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(4) Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

(1) If someone kidnaps or takes another person away with the intention that the person might be murdered or put in danger of being murdered, they can be punished with life imprisonment or rigorous imprisonment for up to ten years, and may also have to pay a fine.

Examples

(a) If A kidnaps Z from India, intending or knowing it's likely that Z may be sacrificed to an idol, A has committed the crime described in this section.

(b) If A forcibly takes or lures B away from home so that B may be murdered, A has committed the crime described in this section.

(2) If someone kidnaps or takes another person away, or keeps them detained after such kidnapping, and then threatens to kill or harm them, or acts in a way that makes it reasonable to fear they might be killed or harmed, or actually harms or kills them to force the government, a foreign state, an international organization, or any other person to do or not do something, or to pay a ransom, they can be punished with death or life imprisonment, and may also have to pay a fine.

(3) If someone kidnaps or takes another person away with the intention of secretly and wrongfully keeping them confined, they can be punished with imprisonment for up to seven years, and may also have to pay a fine.

(4) If someone kidnaps or takes another person away with the intention that the person might be seriously hurt, enslaved, or subjected to unnatural sexual acts, or knowing that it's likely the person will be subjected to such harm, they can be punished with imprisonment for up to ten years, and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a local gang leader, kidnaps Priya, a young woman from her home in Mumbai. Ravi's intention is to demand a ransom of ₹50 lakhs from Priya's wealthy parents. He threatens to harm Priya if the ransom is not paid within 48 hours. This act of kidnapping for ransom, accompanied by threats of harm, falls under Section 140(2) of The Bharatiya Nyaya Sanhita 2023. Ravi can be punished with death or imprisonment for life, and he is also liable to a fine.

Example 2:

Manoj, a criminal, abducts Ramesh, a businessman, and keeps him in a hidden location. Manoj's plan is to force Ramesh to sign over his property to Manoj's name. Manoj threatens Ramesh with death if he does not comply. This scenario involves kidnapping with the intent to compel someone to do an act under threat of death, which is covered under Section 140(2) of The Bharatiya Nyaya Sanhita 2023. Manoj can be punished with death or imprisonment for life, and he is also liable to a fine.

Example 3:

Sunil, a human trafficker, kidnaps a young boy named Arjun from a village in Bihar. Sunil's intention is to sell Arjun into forced labor in a factory. This act of

kidnapping with the intent to subject the victim to slavery falls under Section 140(4) of The Bharatiya Nyaya Sanhita 2023. Sunil can be punished with imprisonment for a term which may extend to ten years, and he is also liable to a fine.

Example 4:

Vikram, a cult leader, kidnaps a young girl named Meera from her home in Delhi. Vikram intends to sacrifice Meera in a ritual to appease his deity. This act of kidnapping with the intention of murder falls under Section 140(1) of The Bharatiya Nyaya Sanhita 2023. Vikram can be punished with imprisonment for life or rigorous imprisonment for a term which may extend to ten years, and he is also liable to a fine.

Example 5:

Ajay, a criminal, kidnaps a teenager named Rohit and keeps him in a secluded house. Ajay's intention is to keep Rohit confined and away from his family for an extended period. This act of kidnapping with the intent to wrongfully confine the victim falls under Section 140(3) of The Bharatiya Nyaya Sanhita 2023. Ajay can be punished with imprisonment for a term which may extend to seven years, and he is also liable to a fine.

Section 141: Importation of girl or boy from foreign country.

Whoever imports into India from any country outside India any girl under the age of twenty-one years or any boy under the age of eighteen years with intent that girl or boy may be, or knowing it to be likely that girl or boy will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

Simplified Acts

Anyone who brings a girl under 21 years old or a boy under 18 years old into India from another country, with the intention or knowing it is likely that the girl or boy will be forced or tricked into illegal sexual activity with someone else, can be punished with up to 10 years in prison and a fine.

Explanation using Example

Example 1:

Ravi, a 35-year-old man, arranges for a 17-year-old girl named Priya to be brought from Nepal to India. Ravi's intention is to force Priya into prostitution once she arrives in India. Under Section 141 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with importing a girl under the age of twenty-one with the intent that she may be forced into illicit intercourse. If found guilty, Ravi could face imprisonment for up to ten years and a fine.

Example 2:

Meena, a 40-year-old woman, collaborates with a trafficking ring to bring a 16-year-old boy named Arjun from Bangladesh to India. Meena is aware that Arjun will likely be coerced into performing sexual acts for clients once he is in India. Under Section 141 of The Bharatiya Nyaya Sanhita 2023, Meena can be prosecuted for importing a boy under the age of eighteen with the knowledge that he will be forced into illicit intercourse. If convicted, Meena could be sentenced to up to ten years in prison and be required to pay a fine.

Section 142: Wrongfully concealing or keeping in confinement, kidnapped or abducted person.

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.

Simplified Acts

If someone knows that a person has been kidnapped or taken away against their will,

and they hide or keep that person locked up,

they will be punished just like they were the one who kidnapped or took the person away.

This means they will face the same penalties as the kidnapper.

Explanation using Example

Example 1:

Ravi, a businessman, discovers that his rival, Suresh, has been kidnapped by a gang. Instead of reporting this to the police, Ravi decides to hide Suresh in his

warehouse to prevent him from attending an important business meeting. By doing so, Ravi is wrongfully concealing Suresh, knowing that he has been kidnapped. Under Section 142 of the Bharatiya Nyaya Sanhita 2023, Ravi can be punished as if he had kidnapped Suresh himself.

Example 2:

Priya, a young woman, is abducted by a group of criminals. They confine her in a remote farmhouse. Priya's friend, Anjali, learns about her location but does not inform the authorities because she fears the criminals. Instead, Anjali keeps Priya's location a secret. By not disclosing Priya's whereabouts, Anjali is wrongfully keeping her in confinement, knowing she has been abducted. According to Section 142, Anjali can be punished as if she had abducted Priya herself.

Section 143: Trafficking of person.

(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 practising 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.

Explanation 1. - The expression "exploitation" shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, beggary or forced removal of organs.

Explanation 2. - The consent of the victim is immaterial in determination of the offence of trafficking.

(2) Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.

(3) Where the offence involves the trafficking of more than one person, it shall be punishable with rigorous imprisonment 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.

(4) Where the offence involves the trafficking of a child, it shall be punishable with rigorous imprisonment 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.

(5) Where the offence involves the trafficking of more than one child, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.

(6) If a person is convicted of the offence of trafficking of a child on more than one occasion, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

(7) When a public servant or a police officer is involved in the trafficking of any person then, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Simplified Acts

Section on Trafficking

(1) Anyone who recruits, transports, hides, transfers, or receives a person for exploitation by -

(a) threatening them; or

(b) using force or any form of pressure; or

(c) kidnapping them; or

(d) lying or tricking them; or

(e) abusing their power; or

(f) offering money or benefits to get someone in control to agree,
is committing the crime of trafficking.

Explanation 1. "Exploitation" includes physical or sexual abuse, slavery or similar practices, forced begging, or taking organs by force.

Explanation 2. It doesn't matter if the victim agrees; it's still trafficking.

(2) Anyone found guilty of trafficking will be jailed for at least seven years, up to ten years, and will also have to pay a fine.

(3) If more than one person is trafficked, the punishment is at least ten years in jail, up to life imprisonment, plus a fine.

(4) If a child is trafficked, the punishment is at least ten years in jail, up to life imprisonment, plus a fine.

(5) If more than one child is trafficked, the punishment is at least fourteen years in jail, up to life imprisonment, plus a fine.

(6) If someone is convicted of trafficking a child more than once, they will be jailed for life, meaning they will stay in prison for the rest of their life, and will also have to pay a fine.

(7) If a public servant or police officer is involved in trafficking anyone, they will be jailed for life, meaning they will stay in prison for the rest of their life, and will also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a 35-year-old man from a small village in Uttar Pradesh, is promised a well-paying job in Mumbai by a man named Arjun. Arjun tells Ravi that he will be working in a factory and will be able to send money back to his family. However, when Ravi arrives in Mumbai, he is taken to a secluded location and forced to work in a brothel. Arjun uses threats and physical violence to prevent Ravi from escaping. This situation falls under Section 143 of The Bharatiya Nyaya Sanhita 2023 as Arjun has trafficked Ravi for the purpose of exploitation using threats and coercion.

Example 2:

Meena, a 16-year-old girl from a poor family in Bihar, is approached by a woman named Sita who offers to take her to Delhi for a better education and job opportunities. Sita gives Meena's parents a sum of money to gain their consent. Once in Delhi, Meena is forced into domestic servitude, working long hours without pay and under harsh conditions. Sita has trafficked Meena by practicing fraud and deception, and by giving payments to Meena's parents to gain control over her. This is a clear violation of Section 143 of The Bharatiya Nyaya Sanhita 2023.

Example 3:

A group of children from a rural area in West Bengal are abducted by a gang and transported to a city where they are forced to beg on the streets. The gang members use physical violence and threats to control the children and ensure they bring back a certain amount of money each day. This constitutes trafficking under Section 143 of The Bharatiya Nyaya Sanhita 2023, as the children are being exploited for beggary through abduction and coercion.

Example 4:

A police officer named Rajesh is found to be involved in a human trafficking ring. He uses his position to facilitate the transportation and harboring of young women who are then forced into prostitution. Rajesh abuses his power as a public servant to aid in the trafficking of these women. Under Section 143 of The Bharatiya Nyaya Sanhita 2023, Rajesh faces imprisonment for life, which means imprisonment for the remainder of his natural life, and is also liable to a fine.

Example 5:

An organ trafficking racket is uncovered in a hospital in Chennai. The hospital staff, including doctors and nurses, are found to be involved in the forced removal of organs from unsuspecting patients. These organs are then sold on the black market. The staff members have trafficked these patients for the purpose of exploitation by forced removal of organs, which is a serious offense under Section 143 of The Bharatiya Nyaya Sanhita 2023.

Section 144: Exploitation of a trafficked person.

(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.

Simplified Acts

(1) If someone knows or has reason to believe that a child has been trafficked and uses that child for sexual exploitation in any way, they will be punished with a strict prison sentence of at least five years, which can go up to ten years, and they will also have to pay a fine.

(2) If someone knows or has reason to believe that a person (not necessarily a child) has been trafficked and uses that person for sexual exploitation in any way, they will be punished with a strict prison sentence of at least three years, which can go up to seven years, and they will also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a 35-year-old man, runs a small hotel in Mumbai. He knowingly hires a 14-year-old girl, Meena, who has been trafficked from a rural village, to work in his hotel. Ravi forces Meena into prostitution by threatening her and withholding her identification documents. Under Section 144(1) of the Bharatiya Nyaya Sanhita 2023, Ravi can be punished with rigorous imprisonment for a term of not less than five years, which may extend to ten years, and he will also be liable to pay a fine.

Example 2:

Sunita, a 28-year-old woman, is aware that her neighbor, Ramesh, has been trafficked from another state and is being forced to work in a factory under inhumane conditions. Despite knowing this, Sunita coerces Ramesh into performing sexual acts for money by threatening to report him to the authorities for being an illegal immigrant. Under Section 144(2) of the Bharatiya Nyaya Sanhita 2023, Sunita can be punished with rigorous imprisonment for a term of not less than three years, which may extend to seven years, and she will also be liable to pay a fine.

Section 145: Habitual dealing in slaves.

Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Simplified Acts

Anyone who regularly brings in, sends out, moves, buys, sells, trades, or deals with slaves will face the following punishments:

They could be sent to prison for life.

They could be sent to prison for up to ten years.

They could also have to pay a fine.

Explanation using Example

Example 1:

Ravi is a notorious criminal who has been involved in human trafficking for several years. He operates a network that illegally imports people from neighboring countries and forces them into labor against their will. Ravi has been caught multiple times but continues his activities after being released on bail. Under Section 145 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged for habitual dealing in slaves. If convicted, he could face life imprisonment or a term of up to ten years, along with a hefty fine.

Example 2:

Meena runs a small business in a rural area where she employs children and adults who have been trafficked from other states. She buys these individuals from traffickers and forces them to work in her factory under inhumane conditions. Despite several warnings and minor penalties, Meena continues her illegal activities. Under Section 145 of The Bharatiya Nyaya Sanhita 2023, Meena can be prosecuted for habitual dealing in slaves. If found guilty, she could be sentenced to life imprisonment or a term not exceeding ten years, in addition to paying a substantial fine.

Section 146: Unlawful compulsory labour.

Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Simplified Acts

If someone forces another person to work against their will without a legal reason, they can be punished.

The punishment can be:

Up to one year in jail, or

A fine, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi is a farmer in a small village in India. One day, a local landowner, Mr. Sharma, forces Ravi to work on his fields without paying him and against Ravi's will. Despite Ravi's protests, Mr. Sharma threatens him with physical harm if he refuses to comply. Under Section 146 of The Bharatiya Nyaya Sanhita 2023, Mr. Sharma can be punished for unlawfully compelling Ravi to labour against his will. Mr. Sharma could face imprisonment for up to one year, a fine, or both.

Example 2:

Meena works as a domestic helper in a wealthy household. Her employer, Mrs. Kapoor, demands that Meena work extra hours without any additional pay. When Meena refuses, Mrs. Kapoor locks her in a room and threatens to harm her family if she does not comply. Meena is forced to work under these conditions against her will. According to Section 146 of The Bharatiya Nyaya Sanhita 2023, Mrs. Kapoor's actions constitute unlawful compulsory labour. She could be sentenced to up to one year in prison, fined, or both for her actions.

CHAPTER VII: OF OFFENCES AGAINST THE STATE

Section 147: Waging, or attempting to wage war, or abetting waging of war, against Government of India.

Whoever wages war against the Government of India, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or imprisonment for life and shall also be liable to fine.

Illustration

A joins an insurrection against the Government of India. A has committed the offence defined in this section.

Simplified Acts

Anyone who fights against the Government of India, tries to fight against it, or helps others to fight against it, will be punished with death or life imprisonment and may also have to pay a fine.

Example

A person named A joins a rebellion against the Government of India. A has committed the crime described in this section.

Explanation using Example

Example 1:

Ravi, a resident of a small town in India, becomes involved with a militant group that plans to overthrow the Government of India. Ravi actively participates in planning and executing attacks on government buildings and officials. His actions are considered as waging war against the Government of India. Under Section 147 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with death or imprisonment for life and may also be liable to pay a fine.

Example 2:

Priya, a software engineer, uses her technical skills to hack into government databases and steal sensitive information. She then provides this information to a foreign terrorist organization that aims to destabilize the Indian government. By aiding and abetting the waging of war against the Government of India, Priya has committed an offense under Section 147 of The Bharatiya Nyaya Sanhita 2023. She faces the possibility of death penalty or life imprisonment, along with a fine.

Section 148: Conspiracy to commit offences punishable by section 147.

Whoever within or without and beyond India conspires to commit any of the offences punishable by section 147, or conspires to overawe, by means of criminal force or the show of criminal force, the Central Government or any State Government, shall be punished with imprisonment for life, or with imprisonment of either description which may extend to ten years, and shall also be liable to fine.

Explanation: To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.

Simplified Acts

If anyone, whether inside or outside of India, plans to commit any crimes listed under section 147, or plans to intimidate the Central Government or any State Government using criminal force or the threat of criminal force, they can be punished with life imprisonment or imprisonment for up to ten years, and they may also have to pay a fine.

Explanation: For it to be considered a conspiracy under this section, it is not necessary for any actual illegal act to be carried out.

Explanation using Example

Example 1:

Ravi and his friends, residing in Delhi, plan to attack a government building in Mumbai to protest against a new law. They gather weapons and make detailed plans on how to execute the attack. Even though they are caught by the police before they can carry out their plan, they can still be charged under Section 148 of The Bharatiya Nyaya Sanhita 2023 for conspiring to commit an offence punishable by Section 147, which deals with rioting.

Example 2:

A group of individuals in Bangalore, unhappy with the policies of the State Government, decide to use criminal force to intimidate the government officials. They plan to gather a large crowd and use violence to disrupt a government meeting. Even if they do not actually carry out the violence, the mere act of conspiring to use criminal force against the State Government can lead to charges under Section 148 of The Bharatiya Nyaya Sanhita 2023. They could face imprisonment for life or up to ten years, along with a fine.

Section 149: Collecting arms, etc., with intention of waging war against Government of India.

Whoever collects men, arms or ammunition or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against the Government of India, shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Simplified Acts

Anyone who gathers people, weapons, or ammunition, or gets ready in any way to fight against the Government of India, will be punished with either life imprisonment or imprisonment for up to ten years. They may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a resident of a small village in India, starts gathering a group of people and stockpiling weapons and ammunition. He openly declares that his intention is to overthrow the Government of India. Ravi and his group are caught by the police while they are training in a secluded area. Under Section 149 of The Bharatiya Nyaya Sanhita 2023, Ravi and his associates can be charged with collecting arms with the intention of waging war against the Government of India. If found guilty, they could face imprisonment for life or a term not exceeding ten years, along with a fine.

Example 2:

A radical organization led by Anil begins to amass a large quantity of explosives and firearms. They also recruit and train individuals with the explicit goal of launching an armed rebellion against the Indian government. The authorities intercept communications and discover the stockpile of weapons. Anil and the members of his organization are arrested and charged under Section 149 of The Bharatiya Nyaya Sanhita 2023 for preparing to wage war against the Government of India. If convicted, they could be sentenced to life imprisonment or a term not exceeding ten years, in addition to a fine.

Section 150: Concealing with intent to facilitate design to wage war.

Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the Government of India, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

If anyone does something or fails to do something they are supposed to, and this action or inaction hides a plan to start a war against the Government of India, and they do this to help the war start or knowing that it might help the war start, they can be punished.

The punishment can be up to ten years in prison and they may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a software engineer, discovers that his neighbor, Mr. Sharma, is secretly gathering weapons and recruiting people to form a militia with the intent to wage war against the Government of India. Instead of reporting this to the authorities, Ravi decides to keep this information to himself, thinking it is none of his business. By concealing this information, Ravi is facilitating Mr. Sharma's plans. Under Section 150 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to ten years and may also be liable to pay a fine.

Example 2:

Priya, a journalist, comes across confidential documents that reveal a group of individuals planning a large-scale cyber-attack on government infrastructure to destabilize the Indian government. Priya, fearing for her safety and career, chooses not to publish the story or inform the authorities. By not disclosing this critical information, Priya is aiding the group's design to wage war against the government. According to Section 150 of The Bharatiya Nyaya Sanhita 2023, Priya could face imprisonment for up to ten years and a fine for her illegal omission.

Section 151: Assaulting President, Governor, etc., with intent to compel or restrain exercise of any lawful power.

Whoever, with the intention of inducing or compelling the President of India, or Governor of any State, to exercise or refrain from exercising in any manner any of the lawful powers of such President or Governor, assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes, by means of criminal force or the show of criminal force, or attempts so to overawe, such President or Governor, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

If anyone tries to force or scare the President of India or a State Governor to do or not do something they are legally allowed to do, by:

Attacking them,

Wrongfully holding them back,

Trying to wrongfully hold them back,

Using criminal force or threatening to use criminal force,

That person can be punished with:

Up to seven years in prison,

A fine.

Explanation using Example

Example 1:

Ravi, a political activist, is unhappy with a new policy introduced by the Governor of Maharashtra. In an attempt to force the Governor to revoke the policy, Ravi organizes a protest where he and his supporters block the Governor's car and physically prevent him from attending an official meeting. Ravi's actions constitute an assault with the intent to compel the Governor to refrain from exercising his lawful powers. Under Section 151 of The Bharatiya Nyaya Sanhita 2023, Ravi could be punished with imprisonment for up to seven years and a fine.

Example 2:

During a public event, a group of individuals led by Suresh threatens the President of India with physical harm unless the President agrees to veto a bill passed by the Parliament. They surround the President and display weapons to intimidate him. This act of overawing the President by means of criminal force with the intent to compel him to exercise his lawful powers in a certain way falls under Section 151 of The Bharatiya Nyaya Sanhita 2023. Suresh and his group could face imprisonment for up to seven years and a fine.

Section 152: Act endangering sovereignty, unity and integrity of India.

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 means, 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.

Simplified Acts

Whoever, on purpose or knowingly, by speaking, writing, using signs, showing something, using electronic communication, using money, or any other way:

Tries to start or actually starts a movement to break away from the country, or

Tries to start or actually starts an armed rebellion, or

Tries to start or actually starts activities that undermine the government, or

Encourages feelings of separation, or

Puts the country's sovereignty, unity, or integrity in danger,

shall be punished with life imprisonment or imprisonment up to seven years, and may also have to pay a fine.

Explanation

Comments that criticize government actions or measures with the aim of changing them through legal means, without trying to start or encourage the activities mentioned above, do not count as an offense under this section.

Explanation using Example

Example 1:

Ravi, a social media influencer, posts a series of videos on his YouTube channel advocating for the secession of a particular state from India. He uses inflammatory language and encourages his followers to take up arms against the government to achieve this goal. His actions are seen as an attempt to incite armed rebellion and endanger the unity and integrity of India. Under Section 152 of The Bharatiya Nyaya Sanhita 2023, Ravi could be charged with endangering the sovereignty, unity, and integrity of India and could face imprisonment for life or up to seven years, along with a fine.

Example 2:

Meera, a writer, publishes an article in a popular magazine suggesting that a certain region of India should become an independent country. She uses persuasive language to encourage readers to support separatist activities and to reject the authority of the Indian government. Her article is considered an attempt to excite secessionist feelings and subversive activities. Under Section 152 of The Bharatiya Nyaya Sanhita 2023, Meera could be prosecuted for her actions and could be sentenced to life imprisonment or imprisonment for up to seven years, in addition to a fine.

Section 153: Waging war against Government of any foreign State at peace with Government of India.

Whoever wages war against the Government of any foreign State at peace with the Government of India or attempts to wage such war, or abets the waging of such war, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment of either description for a term which may extend to seven years, to which fine may be added, or with fine.

Simplified Acts

If anyone starts a war against a foreign country that is at peace with India, or tries to start such a war, or helps in starting such a war, they will be punished.

The punishment can be life imprisonment, possibly with a fine.

Alternatively, the punishment can be imprisonment for up to seven years, possibly with a fine.

In some cases, the punishment can just be a fine.

Explanation using Example

Example 1:

Ravi, an Indian citizen, is found to be leading a militant group that plans and executes attacks against the government of a neighboring country, Nepal, which is at peace with India. Ravi is caught by Indian authorities while attempting to smuggle weapons across the border to support his militant activities. Under Section 153 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with waging war against a foreign state at peace with India. If convicted, he could face life imprisonment and a fine.

Example 2:

Priya, an Indian national, uses social media to recruit and incite individuals to join a terrorist organization that aims to overthrow the government of Sri Lanka, a country at peace with India. She provides financial support and logistical assistance to the group. Indian law enforcement agencies arrest Priya for her activities. Under Section 153 of The Bharatiya Nyaya Sanhita 2023, Priya can be charged with abetting the waging of war against a foreign state at peace with India. If found guilty, she could be sentenced to up to seven years in prison and fined.

Section 154: Committing depredation on territories of foreign State at peace with Government of India.

Whoever commits depredation, or makes preparations to commit depredation, on the territories of any foreign State at peace with the Government of India, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.

Simplified Acts

If anyone causes serious damage or gets ready to cause serious damage in the areas of any foreign country that is at peace with India, they can be punished.

The punishment can be up to seven years in prison.

They may also have to pay a fine.

Any property they used or planned to use to cause the damage, or any property they got from causing the damage, can be taken away from them.

Explanation using Example

Example 1:

Ravi, an Indian national, along with a group of individuals, plans to raid a village in a neighboring country that is currently at peace with India. They intend to steal livestock and other valuable items. Before they can execute their plan, the Indian authorities catch wind of their preparations and arrest them. Under Section 154 of The Bharatiya Nyaya Sanhita 2023, Ravi and his group can be charged for making preparations to commit depredation on the territories of a foreign State at peace with India. They could face imprisonment for up to seven years, a fine, and forfeiture of any property intended to be used in the raid.

Example 2:

Sita, an Indian citizen, successfully leads a group to cross the border into a neighboring country that is at peace with India. They loot several homes and return to India with stolen goods. Upon their return, Indian authorities apprehend them. Under Section 154 of The Bharatiya Nyaya Sanhita 2023, Sita and her group can be charged with committing depredation on the territories of a foreign State at peace with India. They could face imprisonment for up to seven years, a fine, and forfeiture of the stolen goods and any property used in the commission of the crime.

Section 155: Receiving property taken by war or depredation mentioned in sections 153 and 154.

Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in sections 153 and 154, shall be punished with imprisonment of either description for a term which may extend

to seven years, and shall also be liable to fine and to forfeiture of the property so received.

Simplified Acts

If someone gets any property knowing it was stolen during the crimes mentioned in sections 153 and 154, they can be:

Sent to prison for up to seven years.

Fined.

Made to give up the property they received.

Explanation using Example

Example 1:

Rahul, a local businessman, buys a shipment of electronics from a group of individuals at a significantly lower price than the market rate. He is aware that these electronics were looted during a riot (an offence under Section 153). Despite knowing the origin of the goods, Rahul proceeds with the purchase. Under Section 155 of The Bharatiya Nyaya Sanhita 2023, Rahul can be punished with imprisonment for up to seven years, fined, and the electronics he received can be forfeited.

Example 2:

Meena, a shop owner, receives a batch of jewelry from a person who participated in a violent attack on a government convoy (an offence under Section 154). Meena is aware that the jewelry was stolen during the attack but decides to accept it and sell it in her shop. According to Section 155 of The Bharatiya Nyaya Sanhita 2023, Meena can face imprisonment for up to seven years, be fined, and the jewelry she received can be confiscated by the authorities.

Section 156: Public servant voluntarily allowing prisoner of State or war to escape.

Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with imprisonment for life,

or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

If a public servant is responsible for looking after a State prisoner or a prisoner of war and they let the prisoner escape on purpose, they can be punished.

The punishment can be life imprisonment or imprisonment for up to ten years.

They may also have to pay a fine.

Explanation using Example

Example 1:

Ravi is a jail superintendent in a high-security prison in India. He is responsible for the custody of several prisoners, including a high-profile terrorist who is considered a State prisoner. One day, Ravi is approached by a group of people who offer him a large sum of money to allow the terrorist to escape. Ravi, tempted by the money, agrees and deliberately leaves the prison gate unlocked during his shift. The terrorist escapes and is later found to have fled the country. Under Section 156 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with voluntarily allowing a State prisoner to escape and could face life imprisonment or imprisonment for up to ten years, along with a fine.

Example 2:

Anita is an officer in the Indian Army and is in charge of a detention facility holding prisoners of war (POWs) captured during a conflict. She develops a friendship with one of the POWs and, out of sympathy, decides to help him escape. Anita provides the POW with a map and a key to the facility's back gate. The POW successfully escapes but is later recaptured. Anita's actions are discovered during an investigation. According to Section 156 of The Bharatiya Nyaya Sanhita 2023, Anita can be prosecuted for voluntarily allowing a prisoner of war to escape and could be sentenced to life imprisonment or imprisonment for up to ten years, in addition to a fine.

Section 157: Public servant negligently suffering such prisoner to escape.

Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple

imprisonment for a term which may extend to three years, and shall also be liable to fine.

Simplified Acts

If a public servant is responsible for looking after a State prisoner or a prisoner of war,

and they carelessly allow the prisoner to escape from the place where they are being held,

the public servant can be punished with simple imprisonment for up to three years,

and they may also have to pay a fine.

Explanation using Example

Example 1:

Ravi is a jailor at a state prison in Maharashtra. He is responsible for the custody of several prisoners, including a high-profile prisoner named Ajay, who is serving a sentence for serious crimes against the state. One day, Ravi, due to his negligence, forgets to lock Ajay's cell properly. Ajay notices this and manages to escape from the prison. Under Section 157 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged for negligently allowing Ajay to escape. If found guilty, Ravi could face simple imprisonment for up to three years and may also be fined.

Example 2:

Priya is an officer in the Indian Army and is in charge of a detention facility holding prisoners of war (POWs) from a recent conflict. One evening, Priya, distracted by personal issues, fails to conduct the routine security checks. As a result, one of the POWs, who had been planning an escape, finds an opportunity and successfully escapes from the facility. According to Section 157 of The Bharatiya Nyaya Sanhita 2023, Priya could be held accountable for her negligence. She could be sentenced to simple imprisonment for up to three years and might also have to pay a fine.

Section 158: Aiding escape of, rescuing or harbouring such prisoner.

Whoever knowingly aids or assists any State prisoner or prisoner of war in escaping from lawful custody, or rescues or attempts to rescue any such

prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, shall be punished with 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.

Explanation: A State prisoner or prisoner of war, who is permitted to be at large on his parole within certain limits in India, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

Simplified Acts

If someone knowingly helps a State prisoner or prisoner of war to escape from legal custody, or tries to rescue them, or hides them after they have escaped, or tries to stop them from being caught again, they can be punished with life imprisonment or imprisonment for up to ten years, and may also have to pay a fine.

Explanation: A State prisoner or prisoner of war who is allowed to move freely within certain areas in India on parole is considered to have escaped from legal custody if they go beyond the allowed areas.

Explanation using Example

Example 1:

Ravi is a local resident who has a friend named Arjun, a State prisoner, who is serving time for a serious crime against the state. One day, Arjun manages to escape from the prison. Ravi, knowing that Arjun is an escaped prisoner, allows him to hide in his house and provides him with food and shelter. The police eventually track Arjun to Ravi's house and arrest both of them. Under Section 158 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with harboring an escaped State prisoner and could face imprisonment for life or a term up to ten years, along with a fine.

Example 2:

During a conflict between two countries, a prisoner of war named Captain Singh is held in a detention camp in India. Captain Singh manages to escape from the camp and seeks help from a local farmer named Mohan. Mohan, aware that Captain Singh is a prisoner of war, provides him with civilian clothes and helps him cross the border to a neighboring country. Later, the authorities discover Mohan's involvement in aiding Captain Singh's escape.

Under Section 158 of The Bharatiya Nyaya Sanhita 2023, Mohan can be charged with assisting a prisoner of war in escaping from lawful custody and could face imprisonment for life or a term up to ten years, along with a fine.

CHAPTER VIII: OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

Section 159: Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty.

Whoever abets the committing of mutiny by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India or attempts to seduce any such officer, soldier, sailor or airman from his allegiance or his duty, shall be punished with 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.

Simplified Acts

If someone helps or encourages an officer, soldier, sailor, or airman in the Indian Army, Navy, or Air Force to start a rebellion, or tries to make them disloyal or neglect their duty, that person can be punished.

The punishment can be life imprisonment or imprisonment for up to ten years.

The person may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a civilian, meets with Raj, an officer in the Indian Army, and tries to convince him to join a rebel group planning to overthrow the government. Ravi promises Raj a high-ranking position in the new regime and a large sum of money. Raj reports this to his superiors, and Ravi is arrested for abetting mutiny. Under Section 159 of the Bharatiya Nyaya Sanhita 2023, Ravi could face life imprisonment or a term of up to ten years, along with a fine.

Example 2:

Priya, a journalist, writes an article encouraging soldiers in the Indian Navy to disobey their orders and join a protest against government policies. She argues that their duty to the nation is to stand against what she describes as unjust

laws. Several sailors read the article and consider abandoning their posts. Priya is charged with attempting to seduce soldiers from their duty. Under Section 159 of the Bharatiya Nyaya Sanhita 2023, Priya could be sentenced to life imprisonment or a term of up to ten years, and she may also be fined.

Section 160: Abetment of mutiny, if mutiny is committed in consequence thereof.

Whoever abets the committing of mutiny by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, shall, if mutiny be committed in consequence of that abetment, be punished with death or with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

If someone helps or encourages an officer, soldier, sailor, or airman in the Indian Army, Navy, or Air Force to start a rebellion or mutiny, and a mutiny actually happens because of that help or encouragement, they can be punished in the following ways:

They could be sentenced to death.

They could be sentenced to life in prison.

They could be sentenced to prison for up to ten years.

They could also be fined.

Explanation using Example

Example 1:

Rahul, a civilian, is unhappy with the government's policies and decides to incite a group of soldiers to revolt against their commanding officers. He meets with a few soldiers and convinces them that they should take control of their base and refuse to follow orders. The soldiers, influenced by Rahul's persuasion, decide to mutiny and take over the base. As a result, Rahul is charged under Section 160 of the Bharatiya Nyaya Sanhita 2023 for abetting mutiny, which was committed in consequence of his actions. He faces the possibility of being sentenced to death, life imprisonment, or imprisonment for up to ten years, along with a fine.

Example 2:

Priya, a journalist, writes a series of articles encouraging naval officers to disobey their superiors and take control of their ships to protest against perceived injustices within the Navy. Her articles gain traction, and a group of sailors, inspired by her writings, decide to mutiny and seize control of their vessel. Priya is subsequently arrested and charged under Section 160 of the Bharatiya Nyaya Sanhita 2023 for abetting the mutiny, which was committed as a result of her incitement. She could be punished with death, life imprisonment, or imprisonment for up to ten years, and may also be fined.

Section 161: Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office.

Whoever abets an assault by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Simplified Acts

If someone helps or encourages an officer, soldier, sailor, or airman in the Indian Army, Navy, or Air Force to attack a higher-ranking officer who is doing their job, that person can be sent to prison for up to three years and may also have to pay a fine.

Explanation using Example

Example 1:

Rahul, a civilian, is friends with Raj, a soldier in the Indian Army. Rahul, feeling aggrieved by a superior officer who reprimanded Raj, encourages Raj to physically assault the officer while he is performing his duties. Raj, influenced by Rahul's instigation, attacks the superior officer during a routine inspection. Under Section 161 of the Bharatiya Nyaya Sanhita 2023, Rahul can be charged with abetment of assault on a superior officer and may face imprisonment for up to three years and a fine.

Example 2:

Priya, a sailor in the Indian Navy, is unhappy with her superior officer, Commander Singh, who has been strict with her regarding her duties. Priya's friend, Anil, who is aware of her frustrations, suggests that she should confront and physically harm Commander Singh to teach him a lesson. Priya, acting on

Anil's suggestion, assaults Commander Singh while he is overseeing a training exercise. In this scenario, Anil can be prosecuted under Section 161 of the Bharatiya Nyaya Sanhita 2023 for abetting the assault on a superior officer, and he could be sentenced to up to three years in prison and fined.

Section 162: Abetment of such assault, if assault committed.

Whoever abets an assault by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

If someone encourages or helps an officer, soldier, sailor, or airman in the Indian Army, Navy, or Air Force to attack a superior officer who is doing their job, and the attack happens because of that encouragement or help, the person who encouraged or helped can be sent to prison for up to seven years and may also have to pay a fine.

Explanation using Example

Example 1:

Rahul, a civilian, convinces his friend Arjun, who is a soldier in the Indian Army, to assault their superior officer, Captain Singh, because Rahul holds a personal grudge against the Captain. Arjun, influenced by Rahul's instigation, physically attacks Captain Singh while he is on duty. In this scenario, Rahul has abetted the assault, and since the assault was committed due to Rahul's instigation, Rahul can be punished under Section 162 of The Bharatiya Nyaya Sanhita 2023 with imprisonment for up to seven years and may also be fined.

Example 2:

Priya, a sailor in the Indian Navy, is unhappy with her superior officer, Commander Verma, due to a recent disciplinary action taken against her. Priya's friend, Anil, who is not in the military, encourages her to retaliate by assaulting Commander Verma. Priya, acting on Anil's encouragement, attacks Commander Verma while he is performing his official duties. In this case, Anil has abetted the assault, and since Priya committed the assault as a result of Anil's encouragement, Anil can be held liable under Section 162 of The

Bharatiya Nyaya Sanhita 2023 and face imprisonment for up to seven years and a possible fine.

Section 163: Abetment of desertion of soldier, sailor or airman.

Whoever abets the desertion of any officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If anyone helps an officer, soldier, sailor, or airman in the Indian Army, Navy, or Air Force to leave their duty without permission, they can be punished.

The punishment can be up to two years in jail, a fine, or both.

Explanation using Example

Example 1:

Rahul, a civilian, is a close friend of Raj, who is an officer in the Indian Army. Raj is unhappy with his posting and expresses his desire to leave the Army without following the proper procedures. Rahul encourages Raj to desert his post and even offers him a place to hide. Raj follows Rahul's advice and deserts the Army. In this scenario, Rahul has abetted the desertion of an officer in the Indian Army and can be punished under Section 163 of The Bharatiya Nyaya Sanhita 2023 with imprisonment for up to two years, a fine, or both.

Example 2:

Priya, a sailor in the Indian Navy, is feeling overwhelmed by her duties and contemplates leaving her position without authorization. Her friend, Anjali, who is aware of Priya's situation, advises her to leave the Navy and promises to help her find a job in the civilian sector. Priya takes Anjali's advice and deserts her post. Anjali, by encouraging and assisting Priya in her desertion, has committed an offense under Section 163 of The Bharatiya Nyaya Sanhita 2023 and is liable to face imprisonment for up to two years, a fine, or both.

Section 164: Harboursing deserter.

Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, sailor or airman, in the Army, Navy or Air Force of the

Government of India, has deserted, harbours such officer, soldier, sailor or airman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

Exception

This provision does not extend to the case in which the harbour is given by the spouse of the deserter.

Simplified Acts

If someone knows or has reason to believe that a member of the Army, Navy, or Air Force of the Government of India has deserted (left without permission) and they help hide that person, they can be punished. The punishment can be up to two years in prison, a fine, or both.

Exception

This rule does not apply if the person hiding the deserter is their spouse.

Explanation using Example

Example 1:

Ravi, a civilian, lives in a small town near an army base. One evening, his old friend Rajesh, who is an army soldier, shows up at his doorstep in civilian clothes. Rajesh tells Ravi that he has deserted his post because he couldn't handle the pressure anymore. Ravi, knowing that Rajesh is a deserter, decides to let him stay in his house and even provides him with food and money to help him avoid getting caught. Under Section 164 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to two years, or with a fine, or both, for harbouring a deserter.

Example 2:

Priya, a sailor in the Indian Navy, deserts her post and goes into hiding. She contacts her brother, Suresh, and asks for his help. Suresh, aware that Priya has deserted, allows her to stay in his apartment and helps her avoid detection by the authorities. Since Suresh is not Priya's spouse, he is not covered by the exception in the act. Therefore, under Section 164 of The Bharatiya Nyaya Sanhita 2023, Suresh can be punished with imprisonment for up to two years, or with a fine, or both, for harbouring a deserter.

Section 165: Deserter concealed on board merchant vessel through negligence of master.

The master or person in charge of a merchant vessel, on board of which any deserter from the Army, Navy or Air Force of the Government of India is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding three thousand rupees, if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

Simplified Acts

If you are the captain or person in charge of a merchant ship and you have a deserter from the Indian Army, Navy, or Air Force hiding on your ship, you can be fined up to three thousand rupees.

This applies even if you didn't know the deserter was on board, but you could have known if you had done your job properly or maintained proper discipline on the ship.

Explanation using Example

Example 1:

Captain Rajesh is the master of a merchant vessel named "MV Bharat". One day, a deserter from the Indian Army, named Arjun, sneaks onto the ship and hides in the cargo hold. Captain Rajesh is unaware of Arjun's presence. However, it is later discovered that Captain Rajesh had neglected to conduct the routine security checks and inspections of the cargo hold, which is a part of his duty. Due to this negligence, he failed to discover Arjun's presence on board. Under Section 165 of The Bharatiya Nyaya Sanhita 2023, Captain Rajesh can be held liable and fined up to three thousand rupees for his negligence, even though he was ignorant of the concealment.

Example 2:

Captain Meera is in charge of the merchant vessel "SS Ganga". During a routine voyage, a deserter from the Indian Navy, named Vikram, hides in the engine room of the ship. Captain Meera had delegated the responsibility of checking the engine room to her subordinate, who failed to perform the check due to a lack of discipline and oversight. As a result, Vikram's presence went unnoticed. Despite Captain Meera's ignorance of the deserter's concealment,

she can be penalized up to three thousand rupees under Section 165 of The Bharatiya Nyaya Sanhita 2023, because the concealment could have been discovered if proper discipline and duty were maintained on board the vessel.

Section 166: Abetment of act of insubordination by soldier, sailor or airman.

Whoever abets what he knows to be an act of insubordination by an officer, soldier, sailor or airman, in the Army, Navy or Air Force, of the Government of India, shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone encourages an officer, soldier, sailor, or airman in the Indian Army, Navy, or Air Force to disobey orders, knowing that it is wrong, and the officer, soldier, sailor, or airman actually disobeys because of that encouragement, then:

The person who encouraged the disobedience can be punished with:

Up to two years in prison, or

A fine, or

Both prison and a fine.

Explanation using Example

Example 1:

Rahul, a civilian, is friends with Raj, who is a soldier in the Indian Army. Rahul is aware that Raj is unhappy with his commanding officer and often complains about the strict rules and discipline. One day, Rahul encourages Raj to disobey a direct order from his commanding officer, suggesting that Raj should stand up for himself and not follow the unreasonable commands. Raj, influenced by Rahul's encouragement, decides to ignore the order and refuses to carry out his duty. As a result, Raj is charged with insubordination. Under Section 166 of the Bharatiya Nyaya Sanhita 2023, Rahul can be punished for abetting Raj's act of insubordination, facing imprisonment for up to two years, a fine, or both.

Example 2:

Priya, a journalist, writes an article criticizing the Indian Navy's policies and encourages sailors to protest against their superiors' decisions. She explicitly suggests that sailors should refuse to follow certain orders that she deems unfair. Inspired by Priya's article, several sailors decide to disobey their commanding officers' instructions during a critical operation. The act of insubordination leads to a significant disruption in the Navy's operations. Priya, having knowingly abetted the sailors' insubordination through her article, can be held liable under Section 166 of the Bharatiya Nyaya Sanhita 2023 and may face imprisonment for up to two years, a fine, or both.

Section 167: Persons subject to certain Acts.

No person subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957, or shall be subject to punishment under this Sanhita for any of the offences defined in this Chapter.

Simplified Acts

If you are governed by the Air Force Act, 1950, the Army Act, 1950, or the Navy Act, 1957, you cannot be punished under this law for any of the offenses described in this chapter.

Explanation using Example

Example 1:

Captain Rajesh, an officer in the Indian Army, is accused of theft of military equipment. Under normal circumstances, theft would be prosecuted under the Bharatiya Nyaya Sanhita 2023. However, since Captain Rajesh is subject to the Army Act, 1950, he will be tried and punished under the Army Act instead of the Bharatiya Nyaya Sanhita 2023.

Example 2:

Flight Lieutenant Priya, serving in the Indian Air Force, is found guilty of insubordination by refusing to follow a direct order from her superior officer. While insubordination is an offense under the Bharatiya Nyaya Sanhita 2023, Flight Lieutenant Priya will be subject to punishment under the Air Force Act, 1950, as she is governed by that specific act.

Section 168: Wearing garb or carrying token used by soldier, sailor or airman.

Whoever, not being a soldier, sailor or airman in the Army, Naval or Air service of the Government of India, wears any garb or carries any token resembling any garb or token used by such a soldier, sailor or airman with the intention that it may be believed that he is such a soldier, sailor or airman, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

Simplified Acts

If someone who is not a soldier, sailor, or airman in the Indian Army, Navy, or Air Force:

Wears a uniform or carries something that looks like what a soldier, sailor, or airman would use,

And does this to make others think they are a soldier, sailor, or airman,

They can be punished with:

Up to three months in jail,

Or a fine up to two thousand rupees,

Or both jail time and a fine.

Explanation using Example

Example 1:

Rahul, a civilian, decides to wear a full military uniform to a public event in Delhi. He also carries a fake military ID card. His intention is to gain respect and possibly some benefits that are usually accorded to military personnel. Someone at the event recognizes that Rahul is not a real soldier and reports him to the authorities. Under Section 168 of The Bharatiya Nyaya Sanhita 2023, Rahul can be punished with imprisonment for up to three months, a fine of up to two thousand rupees, or both.

Example 2:

Priya, who is not a member of the armed forces, wears a naval officer's uniform to a job interview, hoping that it will impress the interviewer and increase her chances of getting the job. She also carries a badge that closely resembles an official naval badge. The interviewer, suspicious of her credentials, contacts the authorities. Priya can be charged under Section 168 of The Bharatiya Nyaya Sanhita 2023 and may face imprisonment for up to three months, a fine of up to two thousand rupees, or both.

CHAPTER IX: OF OFFENCES RELATING TO ELECTIONS

Section 169: Candidate, electoral right defined.

For the purposes of this Chapter

(a) "candidate" means a person who has been nominated as a candidate at any election;

(b) "electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

Simplified Acts

For the purposes of this Chapter

(a) "candidate" means a person who has been officially chosen to run in an election;

(b) "electoral right" means a person's right to choose to run or not run as a candidate, to withdraw from being a candidate, or to vote or choose not to vote in an election.

Explanation using Example

Example 1:

Ravi has been nominated by his political party to contest in the upcoming state legislative assembly elections. According to Section 169 of The Bharatiya Nyaya Sanhita 2023, Ravi is considered a "candidate" because he has been officially nominated to stand for election.

Example 2:

Priya is a registered voter in her constituency. She has the "electoral right" to decide whether she wants to vote for a candidate, refrain from voting, or even stand as a candidate herself in the upcoming municipal elections. This right is protected under Section 169 of The Bharatiya Nyaya Sanhita 2023.

Section 170: Bribery.

(1) Whoever -

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right,

commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

Simplified Acts

(1) Anyone who -

(i) gives something of value to someone to make them or someone else vote a certain way, or to thank them for voting a certain way; or

(ii) accepts something of value for themselves or someone else as a reward for voting a certain way, or to make someone else vote a certain way,

is committing bribery:

However, making a public policy statement or promising public action is not considered an offense under this section.

(2) If a person offers, agrees to give, or tries to get someone else to give something of value, it is considered as giving something of value.

(3) If a person gets, agrees to accept, or tries to get something of value, it is considered as accepting something of value. Also, if a person accepts something of value as a reason for doing something they don't plan to do, or as a reward for something they haven't done, it is considered as accepting the reward.

Explanation using Example

Example 1:

Rajesh is a candidate in the upcoming local municipal elections. To secure more votes, he decides to distribute free smartphones to the residents of his constituency. He tells them that if they vote for him, they will receive the smartphones. This act of giving smartphones to induce people to vote for him constitutes bribery under Section 170 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Sunita, a voter, is approached by a campaign worker of a political party. The worker offers her Rs. 5,000 if she votes for their candidate. Sunita accepts the money and votes for the candidate. Both the campaign worker, who offered the money, and Sunita, who accepted it, have committed the offence of bribery under Section 170 of The Bharatiya Nyaya Sanhita 2023.

Example 3:

During the state assembly elections, a political party promises to build a new hospital in a rural area if they win the election. This promise is a declaration of public policy and does not constitute bribery under Section 170 of The Bharatiya Nyaya Sanhita 2023, as it is a promise of public action and not a personal gratification.

Example 4:

A businessman, Mr. Sharma, offers to donate a large sum of money to a local school if the school's principal convinces the teachers and staff to vote for a particular candidate. The principal agrees and starts persuading the staff to vote for the candidate. Mr. Sharma's offer and the principal's acceptance of the offer both constitute bribery under Section 170 of The Bharatiya Nyaya Sanhita 2023.

Example 5:

An election candidate, Priya, promises to give a job to Ramesh if he can convince his entire family and friends to vote for her. Ramesh agrees and starts campaigning for Priya among his family and friends. Priya's promise of a job and Ramesh's acceptance of the promise in exchange for votes constitute bribery under Section 170 of The Bharatiya Nyaya Sanhita 2023.

Section 171: Undue influence at elections.

(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever -

(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind; or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action or the mere exercise or a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

Simplified Acts

Undue Influence at an Election

(1) If anyone tries to mess with someone's right to vote freely, they are committing the crime of undue influence at an election.

(2) To be more specific, if anyone:

(a) threatens a candidate, voter, or someone they care about with any kind of harm; or

(b) tries to make a candidate or voter believe that they or someone they care about will face divine punishment or spiritual disapproval,

they are considered to be interfering with that person's right to vote freely.

(3) However, if someone is just making a public policy statement, promising public action, or using their legal rights without trying to mess with someone's voting rights, it is not considered interference.

Explanation using Example

Example 1:

Ravi is a candidate in the upcoming municipal elections. During his campaign, he finds out that his opponent, Suresh, has been threatening voters in the community. Suresh tells the voters that if they do not vote for him, he will ensure that their businesses are shut down by using his influence with local authorities. This act of threatening voters with injury to their businesses constitutes undue influence at an election under Section 171 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya, a voter, is approached by a religious leader who supports a particular candidate, Anil. The religious leader tells Priya that if she does not vote for Anil, she will face divine displeasure and spiritual censure from their community. This attempt to induce Priya to believe that she will be rendered an object of divine displeasure if she does not vote for Anil is an example of undue influence at an election as per Section 171 of The Bharatiya Nyaya Sanhita 2023.

Example 3:

During the state legislative assembly elections, a political party promises to build new schools and hospitals if they are elected to power. This promise of public action is a declaration of public policy and does not constitute undue influence under Section 171(3) of The Bharatiya Nyaya Sanhita 2023, as it is not intended to interfere with the free exercise of electoral rights.

Example 4:

Sunita, a candidate in the panchayat elections, finds out that her rival, Rajesh, has been spreading rumors that anyone who votes for Sunita will be cursed and face bad luck. Rajesh's actions are an attempt to induce voters to believe they will be rendered objects of spiritual censure if they vote for Sunita, which

is considered undue influence at an election under Section 171 of The Bharatiya Nyaya Sanhita 2023.

Section 172: Personation at elections.

Whoever at an election applies for a voting paper on votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election:

Provided that nothing in this section shall apply to a person who has been authorised to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector.

Simplified Acts

If someone tries to get a voting paper or vote using another person's name (whether that person is alive or dead), or uses a fake name, or if someone who has already voted tries to vote again in the same election using their own name, they are committing the crime of impersonation at an election.

If someone helps, encourages, or tries to get another person to vote in any of these illegal ways, they are also committing the crime of impersonation at an election.

However, this rule does not apply to someone who is legally allowed to vote on behalf of another person (as a proxy) according to the current laws, as long as they are voting as a proxy for that person.

Explanation using Example

Example 1:

Ravi decides to vote in the upcoming local elections. However, instead of using his own identity, he applies for a voting paper using the name of his deceased neighbor, Mr. Sharma. Ravi successfully casts a vote under Mr. Sharma's name. Later, Ravi attempts to vote again using his own name. This act of voting in the name of a deceased person and then attempting to vote again in his own name constitutes personation at an election under Section 172 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya is a political campaign worker who wants to ensure her candidate wins the election. She convinces her friend, Anil, to vote using a fake identity. Anil applies for a voting paper under the fictitious name "Rajesh Kumar" and casts a vote. Priya's act of persuading Anil to vote under a false name is considered abetting personation at an election, which is an offense under Section 172 of The Bharatiya Nyaya Sanhita 2023.

Example 3:

Sunita has already cast her vote in the state assembly elections. Later in the day, she returns to the polling station and applies for another voting paper using her own name, intending to vote again. This act of attempting to vote more than once in the same election under her own name is a clear violation of Section 172 of The Bharatiya Nyaya Sanhita 2023.

Example 4:

Rajesh is aware that his elderly uncle, who is bedridden, has not been able to vote in the elections. Rajesh decides to vote on behalf of his uncle without any legal authorization. He applies for a voting paper in his uncle's name and casts a vote. This act of voting in the name of another person without proper authorization is an offense under Section 172 of The Bharatiya Nyaya Sanhita 2023.

Example 5:

Meena is a registered proxy voter for her husband, who is serving in the military and cannot be present to vote. She applies for a voting paper and votes on behalf of her husband as per the legal authorization. This act is not considered personation at an election because she is authorized to vote as a proxy under the law.

Section 173: Punishment for bribery.

Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both:

Provided that bribery by treating shall be punished with fine only.

Explanation. - "Treating" means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

Simplified Acts

If someone is found guilty of bribery, they can be sent to jail for up to one year, or they might have to pay a fine, or both.

However, if the bribery involves giving food, drinks, entertainment, or similar things (called "treating"), the punishment will only be a fine.

Explanation: "Treating" means bribery where the reward is in the form of food, drink, entertainment, or similar provisions.

Explanation using Example

Example 1:

Rajesh is a candidate in the upcoming municipal elections. To secure votes, he offers Rs. 500 to each voter who promises to vote for him. This act of offering money in exchange for votes is considered bribery under Section 173 of The Bharatiya Nyaya Sanhita 2023. If caught, Rajesh could face imprisonment for up to one year, a fine, or both.

Example 2:

Priya, another candidate in the same election, decides to host a lavish dinner party for the residents of her constituency, providing them with free food and drinks in an attempt to influence their votes. This act is considered "treating" under the same section. If found guilty, Priya would be punished with a fine only, as "treating" involves gratification through food, drink, entertainment, or provision.

Section 174: Punishment for undue influence or personation at an election.

Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.

Simplified Acts

If someone tries to unfairly influence voters or pretends to be someone else during an election, they can be punished.

The punishment can be up to one year in jail, a fine, or both.

Explanation using Example

Example 1:

Ravi is a local politician running for office in his constituency. During the election campaign, he threatens voters in his area, telling them that if they do not vote for him, he will ensure that their businesses are shut down. This act of threatening voters to influence their choice is considered undue influence. Under Section 174 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to one year, a fine, or both.

Example 2:

Sita, a supporter of a particular candidate, decides to cast a vote in place of her elderly neighbor who is unable to go to the polling station. She uses her neighbor's voter ID card and pretends to be her neighbor to cast the vote. This act of pretending to be someone else to vote is known as personation. Under Section 174 of The Bharatiya Nyaya Sanhita 2023, Sita can be punished with imprisonment for up to one year, a fine, or both.

Section 175: False statement in connection with an election.

Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

Simplified Acts

If someone tries to influence the outcome of an election by making or sharing a false statement about a candidate's personal character or behavior, and they know or believe that the statement is false, or they don't believe it to be true, they can be fined.

Explanation using Example

Example 1:

Ravi is a candidate running for the position of Member of Legislative Assembly (MLA) in his constituency. During the election campaign, his opponent, Sunil, publishes a pamphlet claiming that Ravi was involved in a corruption scandal five years ago. Sunil knows that this statement is false, but he hopes that spreading this misinformation will damage Ravi's reputation and affect the election results. As a result, Ravi loses the election. Under Section 175 of The Bharatiya Nyaya Sanhita 2023, Sunil can be punished with a fine for making a false statement with the intent to affect the election outcome.

Example 2:

Priya is contesting for the position of Mayor in her city. During a public rally, another candidate, Anil, announces that Priya has been convicted of a serious crime in the past. Anil has no evidence to support this claim and does not believe it to be true, but he makes the statement to tarnish Priya's image and gain an advantage in the election. Priya's reputation is harmed, and she loses votes as a result. According to Section 175 of The Bharatiya Nyaya Sanhita 2023, Anil can be fined for making a false statement about Priya's personal character with the intent to influence the election results.

Section 176: Illegal payments in connection with an election.

Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to ten thousand rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

Simplified Acts

If someone spends money or authorizes spending money to help a candidate get elected without written permission from the candidate, they can be fined up to ten thousand rupees.

However, if a person spends up to ten rupees without permission but gets written approval from the candidate within ten days of spending the money, it will be considered as if they had the candidate's permission from the start.

Explanation using Example

Example 1:

Ravi is a strong supporter of a local candidate, Priya, in the upcoming municipal elections. Without informing Priya or getting her written permission, Ravi decides to organize a public rally to promote her candidacy. He spends

₹5,000 on arranging the event, including hiring a sound system and printing banners. According to Section 176 of The Bharatiya Nyaya Sanhita 2023, Ravi has committed an offense by incurring election-related expenses without Priya's written authorization. He could be fined up to ₹10,000 for this illegal payment in connection with the election.

Example 2:

Sunita, another supporter of Priya, prints and distributes pamphlets worth ₹8 to promote Priya's election campaign. She does this without Priya's prior written approval. However, within five days of incurring the expense, Sunita informs Priya and gets her written approval for the expense. In this case, Sunita is deemed to have incurred the expense with Priya's authority, and she would not be punished under Section 176 of The Bharatiya Nyaya Sanhita 2023.

Section 177: Failure to keep election accounts.

Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five thousand rupees.

Simplified Acts

If someone is required by any current law or rule to keep records of expenses related to an election and they fail to do so, they can be fined up to five thousand rupees.

Explanation using Example

Example 1:

Rajesh is a candidate running for the position of Member of Legislative Assembly (MLA) in his constituency. According to the election laws, he is required to maintain detailed accounts of all expenses incurred during his campaign, including costs for rallies, advertisements, and promotional materials. However, Rajesh fails to keep these accounts and does not submit any records to the Election Commission. As a result, he is found guilty of violating Section 177 of The Bharatiya Nyaya Sanhita 2023 and is fined Rs. 5,000.

Example 2:

Sunita is the campaign manager for a candidate running for a local municipal election. She is responsible for managing and recording all the expenses related to the election campaign. Despite knowing the legal requirement to maintain these records, Sunita neglects to keep proper accounts of the money spent on various campaign activities such as printing posters, organizing public meetings, and hiring vehicles for transportation. When the election authorities conduct an audit, they find that Sunita has failed to comply with the law. Consequently, she is penalized under Section 177 of The Bharatiya Nyaya Sanhita 2023 and is fined Rs. 5,000.

CHAPTER X: OF OFFENCES RELATING TO COIN, CURRENCY-NOTES, BANK-NOTES, AND GOVERNMENT STAMPS

Section 178: Counterfeiting coin, Government stamps, currency-notes or bank-notes.

Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any coin, stamp issued by Government for the purpose of revenue, currency-note or bank-note, shall be punished with 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.

Explanation

For the purposes of this Chapter, -

(1) the expression "bank-note" means a promissory note or engagement for the payment of money to bearer on demand issued by any person carrying on the business of banking in any part of the world, or issued by or under the authority of any State or Sovereign Power, and intended to be used as equivalent to, or as a substitute for money;

(2) "coin" shall have the same meaning as assigned to it in section 2 of the Coinage Act, 2011 and includes metal used for the time being as money and is stamped and issued by or under the authority of any State or Sovereign Power intended to be so used;

(3) a person commits the offence of "counterfeiting Government stamp" who counterfeits by causing a genuine stamp of one denomination to appear like a genuine stamp of a different denomination;

(4) a person commits the offence of counterfeiting coin who intending to practise deception, or knowing it to be likely that deception will thereby be practised, causes a genuine coin to appear like a different coin; and

(5) the offence of "counterfeiting coin" includes diminishing the weight or alteration of the composition, or alteration of the appearance of the coin.

Simplified Acts

Anyone who makes fake coins, stamps issued by the government for revenue, currency notes, or banknotes, or helps in any part of making these fakes, can be punished with life imprisonment or imprisonment for up to ten years, and may also have to pay a fine.

Explanation

For this Chapter, -

(1) "bank-note" means a written promise to pay money to the person holding it, issued by any bank anywhere in the world, or by any government, and meant to be used like money.

(2) "coin" means what is defined in section 2 of the Coinage Act, 2011. It includes metal used as money, stamped and issued by any government to be used as money.

(3) A person commits the crime of "counterfeiting Government stamp" if they make a real stamp of one value look like a real stamp of a different value.

(4) A person commits the crime of counterfeiting coin if they make a real coin look like a different coin to deceive people, or knowing it is likely to deceive people.

(5) The crime of "counterfeiting coin" also includes reducing the weight, changing the material, or changing the appearance of the coin.

Explanation using Example

Example 1:

Ravi, a skilled metalworker, decides to counterfeit Indian 10-rupee coins. He creates a mold and starts producing coins that look almost identical to the genuine ones issued by the Indian government. Ravi then uses these counterfeit coins to make purchases at local shops. Under Section 178 of The

Bharatiya Nyaya Sanhita 2023, Ravi is committing the offense of counterfeiting coins. If caught, he could face imprisonment for life or a term up to ten years, along with a fine.

Example 2:

Priya, an employee at a printing press, is approached by a criminal gang to help them counterfeit Indian currency notes. She agrees and starts printing fake 500-rupee notes using the press's equipment. Priya is aware that these notes will be used as real money in the market. Under Section 178 of The Bharatiya Nyaya Sanhita 2023, Priya is knowingly performing part of the process of counterfeiting currency notes. If apprehended, she could be punished with imprisonment for life or a term up to ten years, and she would also be liable to pay a fine.

Example 3:

Arjun, a tech-savvy individual, uses his computer skills to create counterfeit digital versions of government revenue stamps. He then sells these fake stamps online to people who need them for official documents. Arjun is aware that these stamps will be used as genuine ones. Under Section 178 of The Bharatiya Nyaya Sanhita 2023, Arjun is counterfeiting government stamps. If caught, he could face imprisonment for life or a term up to ten years, along with a fine.

Example 4:

Meera, a collector of rare coins, decides to alter the appearance of a genuine 1-rupee coin to make it look like a rare and valuable 100-rupee coin from the colonial era. She then sells this altered coin to a buyer, claiming it is an authentic rare coin. Under Section 178 of The Bharatiya Nyaya Sanhita 2023, Meera is committing the offense of counterfeiting a coin by altering its appearance. If discovered, she could be punished with imprisonment for life or a term up to ten years, and she would also be liable to pay a fine.

Section 179: Using as genuine, forged or counterfeit coin, Government stamp, currency-notes or bank-notes.

Whoever imports or exports, or sells or delivers to, or buys or receives from, any other person, or otherwise traffics or uses as genuine, any forged or counterfeit coin, stamp, currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with 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.

Simplified Acts

If someone brings into or sends out of the country, sells, gives to, buys from, or receives from another person, or deals with or uses as real, any fake or counterfeit coin, stamp, currency note, or bank note, knowing or having reason to believe that it is fake or counterfeit, they can be punished with:

Life imprisonment, or

Imprisonment for up to ten years, and

They may also have to pay a fine.

Explanation using Example

Example 1:

Rahul, a shopkeeper in Mumbai, receives a bundle of currency notes from a customer. He notices that the notes look slightly different but decides to accept them anyway, thinking they might be an older series. Later, it is discovered that the notes are counterfeit. Since Rahul had reason to believe the notes might be fake but still accepted and used them in his business, he could be charged under Section 179 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya, a college student in Delhi, buys a rare coin from an online marketplace. She later finds out that the coin is a counterfeit. Instead of reporting it, she decides to sell the coin to another collector, knowing it is fake. Priya could be prosecuted under Section 179 for selling a counterfeit coin, as she knowingly trafficked a forged item.

Example 3:

Vikram, a businessman in Chennai, imports a batch of government stamps from a foreign supplier. Upon receiving them, he realizes that the stamps are counterfeit but decides to use them for his business transactions to save costs. Vikram could face charges under Section 179 for importing and using counterfeit government stamps, knowing they are not genuine.

Example 4:

Anita, a bank employee in Kolkata, receives a counterfeit bank-note from a customer. She recognizes it as fake but decides to keep it and later uses it to

pay for groceries. Anita could be charged under Section 179 for using a counterfeit bank-note as genuine, knowing it was forged.

Example 5:

Ramesh, a trader in Hyderabad, buys a set of currency notes from an acquaintance at a lower price, suspecting they might be counterfeit. He later uses these notes to pay his suppliers. Ramesh could be prosecuted under Section 179 for buying and using counterfeit currency notes, having reason to believe they were not genuine.

Section 180: Possession of forged or counterfeit coin, Government stamp, currency-notes or bank-notes.

Whoever has in his possession any forged or counterfeit coin, stamp, currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation. - If a person establishes the possession of the forged or counterfeit coin, stamp, currency-note or bank-note to be from a lawful source, it shall not constitute an offence under this section.

Simplified Acts

Anyone who has a fake coin, stamp, currency note, or banknote, and knows or has a good reason to believe it is fake, and plans to use it as if it were real, or thinks someone else might use it as real, can be sent to jail for up to seven years, or fined, or both.

Explanation. - If a person can prove that they got the fake coin, stamp, currency note, or banknote from a legal source, they will not be committing a crime under this rule.

Explanation using Example

Example 1:

Ravi, a shopkeeper in Mumbai, receives a bundle of currency notes from a customer. Later, he discovers that some of the notes are counterfeit. Despite knowing this, Ravi decides to use these counterfeit notes to pay his supplier. Ravi's actions fall under Section 180 of The Bharatiya Nyaya Sanhita 2023 because he knowingly possesses and intends to use counterfeit currency notes

as genuine. If caught, Ravi could face imprisonment for up to seven years, a fine, or both.

Example 2:

Priya, a college student in Delhi, finds a few counterfeit coins in her change after shopping. She is aware that these coins are fake but decides to use them to buy snacks from a street vendor. Priya's decision to use the counterfeit coins, knowing they are fake, makes her liable under Section 180 of The Bharatiya Nyaya Sanhita 2023. She could be punished with imprisonment for up to seven years, a fine, or both.

Example 3:

Arjun, a businessman in Bangalore, receives a package containing counterfeit government stamps from an unknown sender. He suspects the stamps are fake but plans to use them for his business transactions. Arjun's possession and intention to use the counterfeit stamps as genuine make him subject to punishment under Section 180 of The Bharatiya Nyaya Sanhita 2023. He could face imprisonment for up to seven years, a fine, or both.

Example 4:

Meera, a bank employee in Chennai, is given a counterfeit bank-note by a customer. She recognizes the note as fake but decides to keep it and later uses it to pay for her groceries. Meera's actions of knowingly possessing and using a counterfeit bank-note as genuine fall under Section 180 of The Bharatiya Nyaya Sanhita 2023. She could be punished with imprisonment for up to seven years, a fine, or both.

Example 5:

Vikram, a resident of Kolkata, buys a collection of old coins from a flea market. Later, he discovers that some of the coins are forged. However, he decides to sell these forged coins to a collector, claiming they are genuine. Vikram's possession and intention to use the forged coins as genuine make him liable under Section 180 of The Bharatiya Nyaya Sanhita 2023. He could face imprisonment for up to seven years, a fine, or both.

Section 181: Making or possessing instruments or materials for forging or counterfeiting coin, Government stamp, currency-notes or bank-notes.

Whoever makes or mends, or performs any part of the process of making or mending, or buys or sells or disposes of, or has in his possession, any machinery, die, or instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any coin, stamp issued by Government for the purpose of revenue, currency-note or bank-note, shall be punished with 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.

Simplified Acts

If someone makes, fixes, or helps in making or fixing, or buys, sells, or gets rid of, or has any machine, tool, or material that is meant to be used, or they know or have reason to believe it will be used, to fake or copy any coin, government stamp for revenue, currency note, or bank note, they can be punished.

The punishment can be life in prison, or prison for up to ten years, and they may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a skilled metalworker, is approached by a group of individuals who offer him a large sum of money to create a die (a specialized tool used in manufacturing) that can be used to produce counterfeit ₹500 currency notes. Ravi, aware of their intentions, agrees and manufactures the die. He is later caught by the police with the die in his possession. Under Section 181 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with making an instrument for the purpose of counterfeiting currency notes. He faces imprisonment for life or a term up to ten years, along with a fine.

Example 2:

Priya runs a small printing business. One day, she receives an order to print a large number of government revenue stamps. The customer provides her with the exact specifications and materials needed. Priya, suspecting that the stamps might be used for illegal purposes, decides to proceed with the order anyway. When the authorities discover the counterfeit stamps, Priya is arrested. Under Section 181, she can be charged with making materials for the purpose of forging government stamps, facing imprisonment for life or a term up to ten years, and a fine.

Example 3:

Arjun, a collector of antique coins, unknowingly buys a set of counterfeit ancient coins from a dealer. When he tries to sell these coins to another collector, the buyer recognizes them as fakes and reports Arjun to the police. Although Arjun did not know the coins were counterfeit when he bought them, he is still in possession of counterfeit coins. Under Section 181, if it is proven that Arjun had reason to believe the coins were counterfeit, he could be charged and face imprisonment for life or a term up to ten years, along with a fine.

Example 4:

Sunita, a software engineer, develops a sophisticated software program that can be used to design and print counterfeit banknotes. She sells this software to a criminal organization, fully aware of their intentions. The police later trace the software back to Sunita. Under Section 181, she can be charged with making an instrument for the purpose of counterfeiting banknotes, facing imprisonment for life or a term up to ten years, and a fine.

Example 5:

Vikram, a shop owner, finds a machine in his storeroom that can be used to mint coins. He decides to keep it, thinking it might be useful someday. However, he does not inform the authorities about the machine. When the police conduct a routine inspection and find the machine, Vikram is arrested. Under Section 181, even though Vikram did not use the machine, his possession of it with the knowledge that it could be used for counterfeiting coins makes him liable for punishment, facing imprisonment for life or a term up to ten years, and a fine.

Section 182: Making or using documents resembling currency-notes or bank-notes.

(1) Whoever makes, or causes to be made, or uses for any purpose whatsoever, or delivers to any person, any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive, any currency-note or bank-note shall be punished with fine which may extend to three hundred rupees.

(2) If any person, whose name appears on a document the making of which is an offence under sub-section (1), refuses, without lawful excuse, to disclose to

a police officer on being so required the name and address of the person by whom it was printed or otherwise made, he shall be punished with fine which may extend to six hundred rupees.

(3) Where the name of any person appears on any document in respect of which any person is charged with an offence under sub-section (1) or on any other document used or distributed in connection with that document it may, until the contrary is proved, be presumed that the person caused the document to be made.

Simplified Acts

(1) If anyone makes, helps to make, uses for any reason, or gives to someone else any document that looks like or is meant to look like a currency note or bank note, they can be fined up to three hundred rupees.

(2) If a person's name is on a document that breaks the rule in section (1), and they refuse to tell a police officer who made the document without a good reason, they can be fined up to six hundred rupees.

(3) If a person's name is on a document that someone is accused of making illegally under section (1), or on any related document, it will be assumed that the person helped make the document unless proven otherwise.

Explanation using Example

Example 1:

Ravi, a small-time artist, decides to create a series of artworks that resemble Indian currency notes. He meticulously designs these artworks to look almost identical to real ₹500 notes, intending to sell them as novelty items. Ravi prints these notes and starts selling them at a local market. A police officer notices these fake notes and questions Ravi. Under Section 182 of The Bharatiya Nyaya Sanhita 2023, Ravi is liable to be fined up to ₹300 for making and using documents that resemble currency notes.

Example 2:

Priya, a shop owner, receives a bundle of what she believes to be ₹2000 notes from a customer. Later, she realizes that these notes are fake and closely resemble real currency notes. She reports the incident to the police. The police trace the fake notes back to a printing shop owned by Suresh. When questioned, Suresh refuses to disclose the name and address of the person who

commissioned the printing of these fake notes. Under Section 182(2) of The Bharatiya Nyaya Sanhita 2023, Suresh can be fined up to ₹600 for refusing to provide this information without a lawful excuse.

Example 3:

An advertisement flyer resembling a ₹100 note is distributed in a neighborhood. The flyer has the name and contact details of a local business, "XYZ Enterprises." The police receive complaints about the misleading flyer and charge the business owner, Mr. Sharma, under Section 182(1). Since Mr. Sharma's name appears on the flyer, it is presumed that he caused the document to be made. Mr. Sharma will have to prove otherwise to avoid the fine of up to ₹300.

Section 183: Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government.

Whoever, fraudulently or with intent to cause loss to the Government, removes or effaces from any substance, bearing any stamp issued by Government for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Simplified Acts

If someone, with the intention to cheat or cause a loss to the Government, does any of the following:

Removes or erases any writing or document from a substance that has a government-issued stamp for revenue purposes.

Takes a stamp off a document where it has already been used, so that the stamp can be used on a different document.

That person can be punished with:

Up to three years in prison.

A fine.

Or both prison and a fine.

Explanation using Example

Example 1:

Ravi runs a small business and needs to submit various documents to the government for tax purposes. He notices that the government stamps on some old documents are still in good condition. To save money, Ravi carefully removes the stamps from these old documents and reuses them on new documents that he needs to submit. By doing this, Ravi intends to avoid paying for new stamps, thereby causing a loss to the government. Under Section 183 of The Bharatiya Nyaya Sanhita 2023, Ravi's actions are illegal, and he could be punished with imprisonment for up to three years, a fine, or both.

Example 2:

Priya works in a legal firm and is responsible for preparing various legal documents that require government stamps. She discovers that some of the documents have errors and need to be redone. Instead of purchasing new stamps, Priya decides to remove the stamps from the erroneous documents and use them on the corrected documents. Her intention is to save the firm money, but this act results in a loss to the government. According to Section 183 of The Bharatiya Nyaya Sanhita 2023, Priya's actions are considered fraudulent, and she could face imprisonment for up to three years, a fine, or both.

Section 184: Using Government stamp known to have been before used.

Whoever, fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue, which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone uses a government-issued revenue stamp that they know has already been used before, and they do this to cheat or cause a loss to the government, they can be punished.

The punishment can be:

Up to two years in jail, or

A fine, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi runs a small business and frequently needs to send documents through registered post. To save money, he carefully removes the stamps from previously used envelopes and reuses them on new envelopes. He knows that these stamps have already been used but continues to do so to avoid buying new stamps. One day, a postal worker notices the reused stamp and reports it. Ravi is charged under Section 184 of the Bharatiya Nyaya Sanhita 2023 for using a government stamp known to have been used before, with the intent to cause loss to the government.

Example 2:

Priya is a lawyer who needs to file multiple legal documents in court. To cut costs, she reuses revenue stamps from old documents by peeling them off and sticking them onto new documents. She is aware that these stamps have already been used but continues to reuse them to save money. During a routine check, a court clerk discovers the reused stamps and reports the matter. Priya is then prosecuted under Section 184 of the Bharatiya Nyaya Sanhita 2023 for fraudulently using government stamps that she knew had been used before, intending to cause loss to the government.

Section 185: Erasure of mark denoting that stamp has been used.

Whoever, fraudulently or with intent to cause loss to Government, erases or removes from a stamp issued by Government for the purpose of revenue, any mark, put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession or sells or disposes of any such stamp from which such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Simplified Acts

If someone intentionally tries to cheat or cause a loss to the Government by erasing or removing any mark from a government-issued stamp used for revenue purposes, they are breaking the law.

If someone knowingly has in their possession, sells, or gets rid of any such stamp from which the mark has been erased or removed, they are also breaking the law.

If someone sells or gets rid of any stamp that they know has already been used, they are breaking the law.

Anyone found guilty of these actions can be punished with up to three years in prison, a fine, or both.

Explanation using Example

Example 1:

Ravi runs a small business in Mumbai and frequently uses government-issued revenue stamps for various transactions. One day, he realizes that he can save money by reusing the stamps. He carefully erases the mark that indicates the stamp has already been used and reuses it for another transaction. A government auditor discovers this during a routine check. Ravi is charged under Section 185 of The Bharatiya Nyaya Sanhita 2023 for fraudulently erasing the mark on the stamp to cause loss to the government. He faces imprisonment for up to three years, a fine, or both.

Example 2:

Priya, a clerk in a government office in Delhi, finds a stack of used revenue stamps in the office. She decides to sell these used stamps to a local vendor, knowing that the marks indicating their prior use have been erased. The vendor, unaware of the legal implications, buys the stamps and uses them in his business. During an investigation, it is discovered that Priya sold the used stamps. Priya is charged under Section 185 of The Bharatiya Nyaya Sanhita 2023 for knowingly selling stamps from which the usage marks had been erased. She faces imprisonment for up to three years, a fine, or both.

Section 186: Prohibition of fictitious stamps.

(1) Whoever -

(a) makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly uses for any postal purpose any fictitious stamp; or

(b) has in his possession, without lawful excuse, any fictitious stamp; or

(c) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp,

shall be punished with fine which may extend to two hundred rupees.

(2) Any such stamp, die, plate, instrument or materials in the possession of any person for making any fictitious stamp may be seized and, if seized shall be forfeited.

(3) In this section "fictitious stamp" means any stamp falsely purporting to be issued by Government for the purpose of denoting a rate of postage, or any facsimile or imitation or representation, whether on paper or otherwise, of any stamp issued by Government for that purpose.

(4) In this section and also in sections 178 to 181 (both inclusive), and sections 183 to 185 (both inclusive) the word "Government", when used in connection with, or in reference to any stamp issued for the purpose of denoting a rate of postage, shall, notwithstanding anything in clause (12) of section 2, be deemed to include the person or persons authorised by law to administer executive Government in any part of India or in any foreign country.

Simplified Acts

(1) Anyone who:

(a) makes, knowingly uses, sells, or deals with any fake stamp, or knowingly uses any fake stamp for mailing purposes; or

(b) has any fake stamp without a good reason; or

(c) makes or has any tools or materials for making fake stamps without a good reason,

can be fined up to two hundred rupees.

(2) Any fake stamps, tools, or materials found with someone for making fake stamps can be taken away and, if taken, will be confiscated.

(3) In this section, a "fake stamp" means any stamp that falsely claims to be issued by the Government for postage, or any copy or imitation of a stamp issued by the Government for that purpose.

(4) In this section and also in sections 178 to 181 and sections 183 to 185, the word "Government" includes any person or people authorized by law to run the executive Government in any part of India or in any foreign country, even if section 2, clause (12) says otherwise.

Explanation using Example

Example 1:

Ravi, a small business owner in Mumbai, decides to save money on postage by creating his own stamps that look very similar to the official government-issued stamps. He uses these fictitious stamps to send out promotional materials for his business. One day, a postal worker notices the unusual stamps and reports it to the authorities. Ravi is caught and charged under Section 186 of The Bharatiya Nyaya Sanhita 2023 for making and using fictitious stamps. He is fined two hundred rupees, and all the materials he used to create the stamps are seized and forfeited.

Example 2:

Priya, a college student in Delhi, finds a set of stamps that look like they are issued by the government but are actually fake. She decides to sell these stamps to her friends at a lower price than the official rate. One of her friends, unaware that the stamps are fictitious, uses them to send a letter. The postal service detects the fake stamp and traces it back to Priya. She is charged under Section 186 for dealing in fictitious stamps and is fined two hundred rupees. The fake stamps in her possession are seized and forfeited.

Example 3:

Arjun, a graphic designer in Bangalore, is approached by a client who asks him to create a design for a stamp that looks exactly like the official government-issued postage stamp. Arjun, knowing that this is illegal, still goes ahead and creates the design. He keeps the die and plate used for making the stamp in his office. During a routine inspection, authorities find the die and plate. Arjun is charged under Section 186 for making and possessing materials for creating fictitious stamps without lawful excuse. He is fined two hundred rupees, and the die and plate are seized and forfeited.

Example 4:

Meera, a philatelist in Kolkata, buys a collection of rare stamps from an online seller. Upon closer inspection, she realizes that some of the stamps are not genuine and are actually fictitious stamps. Meera, not wanting to get into trouble, decides to keep them in her collection without using them. However, during a philatelic exhibition, an expert identifies the fictitious stamps and reports it to the authorities. Meera is charged under Section 186 for possessing fictitious stamps without lawful excuse. She is fined two hundred rupees, and the fictitious stamps are seized and forfeited.

Section 187: Person employed in mint causing coin to be of different weight or composition from that fixed by law.

Whoever, being employed in any mint lawfully established in India, does any act, or omits what he is legally bound to do, with the intention of causing any coin issued from that mint to be of a different weight or composition from the weight or composition fixed by law, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

If someone works at a legally established mint in India and: a. Does something, or b. Fails to do something they are legally required to do,

With the intention of making any coin from that mint: a. Weigh differently, or b. Have a different composition than what is legally required,

They can be punished with: a. Up to seven years in prison, and b. A fine.

Explanation using Example

Example 1:

Ravi works at the Indian Government Mint in Mumbai. He is responsible for overseeing the production of new coins. According to the law, each ₹10 coin must weigh exactly 7.74 grams and be composed of a specific alloy. However, Ravi, with the intention of making a profit, deliberately alters the machinery settings so that the coins produced weigh only 7.50 grams. As a result, the coins are lighter than the legal standard. Under Section 187 of The Bharatiya Nyaya Sanhita 2023, Ravi can be prosecuted for intentionally causing the coins

to be of a different weight than fixed by law. If found guilty, he could face imprisonment for up to seven years and a fine.

Example 2:

Sita is employed at the Indian Government Mint in Kolkata. Her job is to ensure that the ₹5 coins are made with the correct composition of metals as specified by law. One day, due to negligence, she fails to add the required amount of nickel to the alloy mix, resulting in coins that do not meet the legal composition standards. Although Sita did not intentionally alter the composition, her omission of a legally required duty with the knowledge that it would result in non-compliant coins can still lead to her prosecution under Section 187 of The Bharatiya Nyaya Sanhita 2023. If convicted, she could face up to seven years in prison and a fine.

Section 188: Unlawfully taking coining instrument from mint.

Whoever, without lawful authority, takes out of any mint, lawfully established in India, any coining tool or instrument, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

If anyone, without permission, takes any tool or instrument used for making coins from a legally established mint in India, they can be punished with imprisonment for up to seven years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi works as a technician at the Indian Government Mint in Mumbai. One day, he decides to take a coining die (a tool used to stamp designs on coins) home without any permission, thinking he could use it as a souvenir. Ravi is caught by the security while leaving the premises. Under Section 188 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged for unlawfully taking a coining instrument from the mint. If found guilty, he could face imprisonment for up to seven years and may also have to pay a fine.

Example 2:

Priya, an employee at the Indian Government Mint in Hyderabad, is approached by a criminal gang who offer her a large sum of money to smuggle out a coining press (a machine used to mint coins). Priya agrees and successfully takes the coining press out of the mint without any lawful authority. However, the authorities discover the missing equipment and trace it back to Priya. Under Section 188 of The Bharatiya Nyaya Sanhita 2023, Priya can be prosecuted for unlawfully taking a coining instrument from the mint. If convicted, she could be sentenced to imprisonment for up to seven years and may also be fined.

CHAPTER XI: OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY

Section 189: Unlawful assembly.

(1) An assembly of five or more persons is designated an "unlawful assembly", if the common object of the persons composing that assembly is-

(a) to overawe by criminal force, or show of criminal force, the Central Government or any State Government or Parliament or the Legislature of any State, or any public servant in the exercise of the lawful power of such public servant; or

(b) to resist the execution of any law, or of any legal process; or

(c) to commit any mischief or criminal trespass, or other offence; or

(d) by means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

(e) by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation.- An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

(2) Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly and such member shall be punished with

imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(3) Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(4) Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(5) Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Explanation. - If the assembly is an unlawful assembly within the meaning of sub-section (1), the offender shall be punishable under sub-section (3).

(6) Whoever hires or engages, or employs, or promotes, or connives at the hiring, engagement or employment of any person to join or become a member of any unlawful assembly, shall be punishable as a member of such unlawful assembly, and for any offence which may be committed by any such person as a member of such unlawful assembly in pursuance of such hiring, engagement or employment, in the same manner as if he had been a member of such unlawful assembly, or himself had committed such offence.

(7) Whoever harbours, receives or assembles, in any house or premises in his occupation or charge, or under his control any persons knowing that such persons have been hired, engaged or employed, or are about to be hired, engaged or employed, to join or become members of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(8) Whoever is engaged, or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in sub-section (1), shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(9) Whoever, being so engaged or hired as referred to in sub-section (8), goes armed, or engages or offers to go armed, with any deadly weapon or with anything which used as a weapon of offence is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

(1) A group of five or more people is called an "unlawful assembly" if they have a common goal to:

(a) use or threaten to use criminal force to intimidate the Central Government, any State Government, Parliament, State Legislature, or any public servant doing their lawful duty; or

(b) resist the enforcement of any law or legal process; or

(c) commit any act of mischief, criminal trespass, or other crimes; or

(d) use or threaten to use criminal force to take or keep property, stop someone from using a right of way, water, or other rights they are entitled to, or to enforce any right or supposed right; or

(e) use or threaten to use criminal force to make someone do something they are not legally required to do, or stop them from doing something they are legally allowed to do.

Explanation: A group that was not unlawful when it first gathered can become an unlawful assembly later.

(2) Anyone who knows that a group is an unlawful assembly and still joins or stays in it is considered a member of that unlawful assembly and can be punished with up to six months in jail, a fine, or both.

(3) Anyone who joins or stays in an unlawful assembly knowing that it has been ordered to disperse by law can be punished with up to two years in jail, a fine, or both.

(4) Anyone who is armed with a deadly weapon or something that can cause death and is part of an unlawful assembly can be punished with up to two years in jail, a fine, or both.

(5) Anyone who knowingly joins or stays in a group of five or more people that is likely to disturb public peace after being lawfully ordered to disperse can be punished with up to six months in jail, a fine, or both.

Explanation: If the group is an unlawful assembly as defined in section (1), the offender will be punished under section (3).

(6) Anyone who hires, engages, employs, or helps in hiring, engaging, or employing someone to join an unlawful assembly will be punished as a member of that unlawful assembly and for any crime committed by that person as if they were a member of the unlawful assembly themselves.

(7) Anyone who shelters, receives, or gathers people in their house or premises knowing that these people have been or are about to be hired, engaged, or employed to join an unlawful assembly will be punished with up to six months in jail, a fine, or both.

(8) Anyone who is hired, engaged, or offers or tries to be hired or engaged to do or help in doing any of the acts listed in section (1) will be punished with up to six months in jail, a fine, or both.

(9) Anyone who, being hired or engaged as mentioned in section (8), goes armed or offers to go armed with a deadly weapon or something that can cause death will be punished with up to two years in jail, a fine, or both.

Explanation using Example

Example 1:

A group of six people gathers outside a government office in Delhi. Their common objective is to forcefully prevent a public servant from executing a legal order. They start shouting threats and brandishing sticks to intimidate the public servant. This group is considered an unlawful assembly under Section 189(1)(a) of The Bharatiya Nyaya Sanhita 2023. If they refuse to disperse when commanded by the police, each member could face up to two years in prison or a fine, or both, as per Section 189(3).

Example 2:

Ten individuals assemble in a village in Maharashtra with the intent to take over a piece of land that legally belongs to another person. They use physical force to drive the rightful owner off the property. This assembly is unlawful under Section 189(1)(d) because they are using criminal force to take

possession of property. If any of these individuals are found to be carrying deadly weapons, they could be punished with up to two years in prison or a fine, or both, according to Section 189(4).

Example 3:

A political group hires 20 people to disrupt a legal eviction process in a residential area in Bangalore. These hired individuals gather and start resisting the police officers who are executing the eviction order. This scenario falls under Section 189(1)(b) as the assembly is resisting the execution of a legal process. The person who hired these individuals can be punished as a member of the unlawful assembly and for any offenses committed by the group, as per Section 189(6).

Example 4:

During a protest in Kolkata, a group of five people starts damaging public property and committing acts of vandalism. Initially, the protest was peaceful, but it turned violent. This group now constitutes an unlawful assembly under Section 189(1)(c) because they are committing mischief and other offenses. If they continue their actions after being commanded to disperse, they could face up to six months in prison or a fine, or both, under Section 189(5).

Example 5:

A local leader in Chennai gathers a group of people in his house, knowing that they have been hired to join an unlawful assembly to disrupt a public meeting. This act of harboring individuals who are about to engage in unlawful activities makes the local leader liable under Section 189(7). He could be punished with up to six months in prison or a fine, or both.

Example 6:

A person in Hyderabad offers to join a group planning to use force to prevent a legal demolition of illegal structures. He is aware that the group intends to use criminal force to stop the demolition. This person is engaging in an act specified in Section 189(1) and can be punished with up to six months in prison or a fine, or both, under Section 189(8). If he goes armed with a deadly weapon, the punishment could extend to two years in prison or a fine, or both, as per Section 189(9).

Section 190: Every member of unlawful assembly guilty of offence committed in prosecution of common object.

If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

Simplified Acts

If a crime is committed by any member of a group that is gathered for an illegal purpose, or if the members of that group knew that a crime was likely to happen while pursuing that purpose, then every person who is part of that group at the time the crime is committed is guilty of that crime.

Explanation using Example

Example 1:

A group of 20 people gathers to protest against a local government decision. The protest turns violent, and some members of the group start vandalizing public property, breaking windows, and setting vehicles on fire. Even though not all members of the group actively participated in the vandalism, under Section 190 of The Bharatiya Nyaya Sanhita 2023, every member of the group can be held guilty of the offences committed (vandalism and arson) because they were part of the unlawful assembly with a common object that led to these actions.

Example 2:

During a community festival, a group of 15 individuals decides to confront a rival group over a long-standing dispute. The confrontation escalates, and one member of the group pulls out a weapon and injures someone from the rival group. Although only one person used the weapon, all members of the group can be held guilty of the offence of causing injury under Section 190 of The Bharatiya Nyaya Sanhita 2023, as they were part of the unlawful assembly with a common object that led to the injury.

Section 191: Rioting.

(1) Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

(2) Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(3) Whoever is guilty of rioting, being armed with a deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Simplified Acts

(1) If a group of people uses force or violence for a common illegal purpose, every person in that group is guilty of rioting.

(2) Anyone found guilty of rioting can be punished with up to two years in prison, a fine, or both.

(3) If someone is guilty of rioting and is carrying a deadly weapon or something that can cause death if used as a weapon, they can be punished with up to five years in prison, a fine, or both.

Explanation using Example

Example 1:

A group of 20 people gathers in a public park to protest against a new government policy. Initially, the protest is peaceful, but as the crowd grows, some members start throwing stones at the police and vandalizing public property. The police identify that the group had a common objective to disrupt public order and use force against law enforcement. Under Section 191 of the Bharatiya Nyaya Sanhita 2023, every member of this unlawful assembly is guilty of rioting. They can be punished with imprisonment for up to two years, a fine, or both.

Example 2:

During a local election, a political rally turns violent. Some participants in the rally are armed with sticks and iron rods. They start attacking supporters of the opposing party, causing serious injuries. The police intervene and arrest the armed individuals. Under Section 191(3) of the Bharatiya Nyaya Sanhita

2023, those who were armed with deadly weapons and used them in the riot can be punished with imprisonment for up to five years, a fine, or both.

Section 192: Wantonly giving provocation with intent to cause riot-if rioting be committed; if not committed.

Whoever malignantly, or wantonly by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Simplified Acts

If someone intentionally or recklessly does something illegal that provokes another person, knowing that this provocation is likely to cause a riot, they can be punished.

If a riot happens because of this provocation, the person who caused it can be sent to jail for up to one year, fined, or both.

If a riot does not happen, the person can still be sent to jail for up to six months, fined, or both.

Explanation using Example

Example 1:

Ravi, a local political leader, has a long-standing rivalry with another community leader, Arjun. During a public speech, Ravi falsely accuses Arjun's community of desecrating a religious site, knowing that this accusation is likely to provoke anger and unrest. As a result, members of Ravi's community gather and start a riot, causing damage to property and injuring several people. Under Section 192 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to one year, or with a fine, or both, because his malicious provocation led to the offence of rioting.

Example 2:

During a heated neighborhood dispute, Sunita spreads a false rumor that a particular family in the neighborhood has been involved in illegal activities that harm the community. She does this out of spite, knowing that it could provoke the neighbors to take violent action. However, despite the tension and anger her rumor causes, no actual rioting occurs. Under Section 192 of The Bharatiya Nyaya Sanhita 2023, Sunita can be punished with imprisonment for up to six months, or with a fine, or both, because her wanton provocation did not result in rioting.

Section 193: Liability of owner, occupier, etc., of land on which an unlawful assembly or riot takes place.

(1) Whenever any unlawful assembly or riot takes place, the owner or occupier of the land upon which such unlawful assembly is held, or such riot is committed, and any person having or claiming an interest in such land, shall be punishable with fine not exceeding one thousand rupees, if he or his agent or manager, knowing that such offence is being or has been committed, or having reason to believe it is likely to be committed, do not give the earliest notice thereof in his or their power to the officer in charge at the nearest police station, and do not, in the case of his or their having reason to believe that it was about to be committed, use all lawful means in his or their power to prevent it and, in the event of its taking place, do not use all lawful means in his or their power to disperse or suppress the riot or unlawful assembly.

(2) Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, having reason to believe that such riot was likely to be committed or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place, and for suppressing and dispersing the same.

(3) Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent or manager of such person shall be punishable with fine, if such agent or

manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place and for suppressing and dispersing the same.

Simplified Acts

(1) If there is an unlawful gathering or riot on someone's land, the owner or person living there, or anyone with an interest in the land, can be fined up to one thousand rupees. This happens if they or their representative know about the gathering or riot, or think it might happen, and do not inform the nearest police station as soon as possible. They must also try to stop it using legal means and, if it happens, try to break it up or stop it.

(2) If a riot happens for the benefit of the landowner or someone with an interest in the land, or because of a dispute involving the land, that person can be fined. This applies if they or their representative think a riot or unlawful gathering might happen and do not try to stop it using legal means or do not try to break it up if it happens.

(3) If a riot happens for the benefit of the landowner or someone with an interest in the land, or because of a dispute involving the land, the landowner's representative can be fined. This applies if the representative thinks a riot or unlawful gathering might happen and does not try to stop it using legal means or does not try to break it up if it happens.

Explanation using Example

Example 1:

Mr. Sharma owns a large plot of land on the outskirts of Delhi. One day, a group of people gathers on his land to protest against a local government decision. The protest quickly turns violent, and a riot ensues. Mr. Sharma's manager, Mr. Verma, was aware that the protest was likely to turn violent but did not inform the police or take any steps to prevent the riot. Under Section 193 of The Bharatiya Nyaya Sanhita 2023, Mr. Sharma and Mr. Verma could be fined up to one thousand rupees for failing to notify the authorities and not taking lawful measures to prevent or suppress the riot.

Example 2:

Ms. Gupta is the owner of a factory in Mumbai. There is a dispute between two labor unions over working conditions, and tensions are high. Ms. Gupta's

agent, Mr. Singh, knows that a confrontation is likely to occur on the factory premises. Despite this, he does not inform the police or take any steps to prevent the assembly. A riot breaks out, causing significant damage to the factory. Under Section 193, both Ms. Gupta and Mr. Singh could be fined for not using all lawful means to prevent the riot and for failing to notify the nearest police station about the potential for violence.

Section 194: Affray.

(1) When two or more persons, by fighting in a public place, disturb the public peace, they are said to commit an affray.

(2) Whoever commits an affray, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Simplified Acts

Affray

(1) When two or more people fight in a public place and cause a disturbance, it is called an affray.

(2) Anyone who commits an affray can be punished with up to one month in jail, a fine of up to one thousand rupees, or both.

Explanation using Example

Example 1:

Ravi and Suresh, two neighbors in a crowded market area in Delhi, get into a heated argument over a parking space. The argument escalates into a physical fight, with both men throwing punches at each other. The commotion attracts a large crowd, causing a disturbance in the market. The police arrive and arrest both Ravi and Suresh for committing an affray under Section 194 of The Bharatiya Nyaya Sanhita 2023. They are each fined Rs. 1,000 and warned against such behavior in the future.

Example 2:

During a local festival in Mumbai, two groups of young men, led by Raj and Amit, start arguing over a trivial matter. The argument quickly turns into a brawl, with members from both groups engaging in a fistfight in the middle of a

busy street. The fight disrupts the festival activities and causes panic among the attendees. The police intervene and arrest Raj, Amit, and several others involved in the fight. They are charged with affray and sentenced to 15 days of imprisonment each, along with a fine of Rs. 500.

Section 195: Assaulting or obstructing public servant when suppressing riot, etc.

(1) Whoever assaults or obstructs any public servant or uses criminal force on any public servant in the discharge of his duty as such public servant in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which shall not be less than twenty-five thousand rupees, or with both.

(2) Whoever threatens to assault or attempts to obstruct any public servant or threatens or attempts to use criminal force to any public servant in the discharge of his duty as such public servant in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Simplified Acts

(1) If anyone attacks or gets in the way of a public servant (like a police officer) while they are doing their job to break up an illegal gathering or stop a riot or fight, they can be sent to jail for up to three years, fined at least twenty-five thousand rupees, or both.

(2) If anyone threatens to attack or tries to get in the way of a public servant (like a police officer) while they are doing their job to break up an illegal gathering or stop a riot or fight, they can be sent to jail for up to one year, fined, or both.

Explanation using Example

Example 1:

Ravi is a police officer who is called to disperse a large crowd that has gathered unlawfully in a busy market area in Delhi. The crowd is protesting without permission and has started to become unruly. As Ravi and his team try to disperse the crowd, a man named Suresh throws a stone at Ravi, hitting him

on the shoulder. Suresh's action is considered an assault on a public servant in the discharge of his duty. Under Section 195 of The Bharatiya Nyaya Sanhita 2023, Suresh can be punished with imprisonment for up to three years, a fine of at least twenty-five thousand rupees, or both.

Example 2:

During a festival in Mumbai, a large group of people starts a riot, causing damage to public property. Officer Priya is dispatched to control the situation and suppress the riot. As she approaches the rioters, a man named Anil threatens her with a stick, saying he will hit her if she comes any closer. Although Anil does not actually hit Priya, his threat to use criminal force against her while she is performing her duty is punishable under Section 195 of The Bharatiya Nyaya Sanhita 2023. Anil can face imprisonment for up to one year, a fine, or both.

Section 196: Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

Section (1)

Whoever -

(a) by words, either spoken or written, or by signs or by visible representations or through electronic communication or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity; or

(c) organises any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be

trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

Section (2)

Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

Simplified Acts

Section (1)

Anyone who:

(a) Uses words (spoken or written), signs, visible representations, electronic communication, or any other means to promote or try to promote hatred, hostility, or ill-will between different religious, racial, language, regional groups, castes, or communities based on religion, race, place of birth, residence, language, caste, or community; or

(b) Does anything that harms the harmony between different religious, racial, language, regional groups, castes, or communities, and which disturbs or is likely to disturb public peace; or

(c) Organizes or participates in any activity like exercises, movements, drills, etc., with the intention or knowledge that participants will use or be trained to use criminal force or violence against any religious, racial, language, regional group, caste, or community, causing or likely to cause fear, alarm, or insecurity among members of such groups,

will be punished with up to three years in prison, a fine, or both.

Section (2)

Anyone who commits the above offense in a place of worship or during a religious ceremony will be punished with up to five years in prison and a fine.

Explanation using Example

Example 1:

Ravi, a resident of Delhi, posts a series of inflammatory messages on social media targeting a particular religious community. He accuses them of being responsible for various social issues and urges others to boycott their businesses. His posts go viral, leading to widespread anger and protests from the targeted community. The police arrest Ravi under Section 196 of The Bharatiya Nyaya Sanhita 2023 for promoting enmity between different religious groups and disturbing public tranquility.

Example 2:

During a public rally in Mumbai, a political leader delivers a speech where he blames people from a specific state for taking away jobs from the local population. He uses derogatory language and encourages the crowd to take action against these migrants. The speech incites violence, and several incidents of assault on people from the targeted state are reported. The leader is charged under Section 196 for promoting enmity based on place of birth and disturbing public harmony.

Example 3:

A group of individuals in a small town in Uttar Pradesh organizes a training camp where participants are taught to use weapons. The organizers explicitly state that the training is to prepare for potential conflicts with a neighboring community of a different religion. The local authorities discover the camp and arrest the organizers under Section 196 for organizing an activity intending to use criminal force against a religious group, causing fear and insecurity among the community.

Example 4:

In a village in Tamil Nadu, during a religious festival, a person distributes pamphlets that contain hate speech against another religious group. The pamphlets claim that the other group is planning to disrupt the festival and urges people to be vigilant and prepared to defend themselves. This leads to heightened tensions and minor clashes between the two groups. The person distributing the pamphlets is arrested under Section 196 for promoting enmity and disturbing public tranquility during a religious ceremony.

Section 197: Imputations, assertions prejudicial to national integration.

(1) Whoever, by words either spoken or written or by signs or by visible representations or through electronic communication or otherwise, -

(a) makes or publishes any imputation that any class of persons can not, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India; or

(b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied, or deprived of their rights as citizens of India; or

(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons; or

(d) makes or publishes false or misleading information, jeopardising the sovereignty, unity and integrity or security of India,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

Simplified Acts

(1) Anyone who, through spoken or written words, signs, visible representations, electronic communication, or any other means, does any of the following:

(a) Says or publishes anything suggesting that a group of people, because of their religion, race, language, region, caste, or community, cannot be loyal to the Constitution of India or support the country's unity and integrity; or

(b) Claims, advises, or spreads the idea that a group of people, because of their religion, race, language, region, caste, or community, should be denied their rights as Indian citizens; or

(c) Makes or publishes statements, advice, pleas, or appeals about the duties of a group of people, because of their religion, race, language, region, caste, or community, which cause or are likely to cause disharmony, enmity, hatred, or ill-will between them and others; or

(d) Spreads false or misleading information that threatens India's sovereignty, unity, integrity, or security,

shall be punished with up to three years in prison, a fine, or both.

(2) Anyone who commits any of the above offences in a place of worship or during a religious ceremony shall be punished with up to five years in prison and a fine.

Explanation using Example

Example 1:

Ravi, a popular social media influencer, posts a video on his channel claiming that members of a particular religious community cannot be loyal to the Constitution of India because of their religious beliefs. He further asserts that these individuals should not be trusted with any government positions. This video goes viral and causes widespread outrage and tension between different communities. Under Section 197(1)(a) and (1)(b) of the Bharatiya Nyaya Sanhita 2023, Ravi can be prosecuted for making imputations and assertions prejudicial to national integration and could face imprisonment for up to three years, a fine, or both.

Example 2:

During a public rally, a speaker, Mr. Sharma, advises the audience that people from a specific regional group should be denied their voting rights because they allegedly do not support the sovereignty and integrity of India. This statement is published in local newspapers and causes significant unrest and hostility between different regional groups. Under Section 197(1)(b) and (1)(c) of the

Bharatiya Nyaya Sanhita 2023, Mr. Sharma can be prosecuted for advising the deprivation of rights and making assertions likely to cause disharmony, and he could face imprisonment for up to three years, a fine, or both.

Example 3:

A pamphlet is distributed in a temple during a religious ceremony, falsely claiming that a particular caste is plotting against the unity and security of India. This pamphlet incites anger and hatred among the worshippers, leading to violent clashes. Under Section 197(2) of the Bharatiya Nyaya Sanhita 2023, the individuals responsible for distributing the pamphlet can be prosecuted for committing the offence in a place of worship, and they could face imprisonment for up to five years and a fine.

Example 4:

An online news portal publishes an article with misleading information suggesting that a linguistic minority group is involved in activities that threaten the integrity of India. This article spreads rapidly on social media, causing widespread panic and mistrust among the general public. Under Section 197(1)(d) of the Bharatiya Nyaya Sanhita 2023, the editor and publisher of the news portal can be prosecuted for publishing false or misleading information jeopardizing the security of India, and they could face imprisonment for up to three years, a fine, or both.

CHAPTER XII: OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

Section 198: Public servant disobeying law, with intent to cause injury to any person.

Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustration

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favour by a Court, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.

Simplified Acts

If a public servant (someone who works for the government) knowingly does not follow the rules about how they should do their job, and they do this intending to cause harm or knowing that it is likely to cause harm to someone, they can be punished. The punishment can be simple imprisonment for up to one year, a fine, or both.

Example

A, who is an officer required by law to take property to satisfy a court order in favor of Z, knowingly does not follow this law, knowing that it will likely harm Z. A has committed the offense described in this section.

Explanation using Example

Example 1:

Ravi is a police officer in a small town in India. He receives a court order to arrest a local businessman, Mr. Sharma, who is accused of embezzlement. However, Mr. Sharma offers Ravi a bribe to ignore the court order. Ravi accepts the bribe and does not arrest Mr. Sharma, knowing that this will allow Mr. Sharma to continue his illegal activities and cause financial harm to the people who were defrauded. By knowingly disobeying the court order with the intent to cause injury to the victims, Ravi has committed an offense under Section 198 of the Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya is a government health inspector responsible for ensuring that restaurants comply with health and safety regulations. She receives a complaint about unsanitary conditions at a popular restaurant. Upon inspection, she finds several violations that could potentially harm customers. However, the restaurant owner, who is a friend of Priya, asks her to overlook the violations. Priya agrees and does not report the violations, knowing that this could lead to customers falling ill. By intentionally disobeying the law with the knowledge that it could cause injury to the public, Priya has committed an offense under Section 198 of the Bharatiya Nyaya Sanhita 2023.

Section 199: Public servant disobeying direction under law.

Whoever, being a public servant, -

(a) knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter; or

(b) knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation; or

(c) fails to record any information given to him under sub-section (1) of section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in relation to cognizable offence punishable under section 64, section 65, section 66, section 67, section 68, section 70, section 71, section 74, section 76, section 77, section 79, section 124, section 143 or section 144,

shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine.

Simplified Acts

If a public servant does any of the following:

(a) knowingly ignores a law that says they cannot make someone come to a place for an investigation; or

(b) knowingly ignores a law that tells them how to properly conduct an investigation, which harms someone; or

(c) does not record information they are supposed to under section 173(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, related to serious crimes listed in sections 64, 65, 66, 67, 68, 70, 71, 74, 76, 77, 79, 124, 143, or 144,

they will be punished with strict imprisonment for at least six months and up to two years, and they may also have to pay a fine.

Explanation using Example

Example 1:

Rajesh is a police officer in Mumbai. He receives a complaint about a theft that occurred in a local market. According to the law, he is required to record the complaint and start an investigation. However, Rajesh decides to ignore the complaint because he knows the accused personally and does not want to get him into trouble. By failing to record the information given to him, Rajesh is disobeying the direction under the law, specifically under sub-section (1) of

section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023. As a result, Rajesh could be punished with rigorous imprisonment for a term of six months to two years and may also be liable to pay a fine.

Example 2:

Sunita is a government tax officer in Delhi. She is conducting an investigation into a case of tax evasion. The law requires her to follow specific procedures during the investigation, including notifying the accused and allowing them to present their case. However, Sunita decides to skip these steps and directly imposes a penalty on the accused without giving them a chance to defend themselves. By knowingly disobeying the legal directions regulating the manner of conducting the investigation, Sunita is acting to the prejudice of the accused. Consequently, Sunita could face rigorous imprisonment for a term of six months to two years and may also be liable to pay a fine.

Section 200: Punishment for non-treatment of victim.

Whoever, being in charge of a hospital, public or private, whether run by the Central Government, the State Government, local bodies or any other person, contravenes the provisions of section 397 of the Bharatiya Nagarik Suraksha Sanhita, 2023, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Simplified Acts

Anyone who is in charge of a hospital, whether it is public or private, and whether it is run by the Central Government, the State Government, local authorities, or any other person, and who breaks the rules stated in section 397 of the Bharatiya Nagarik Suraksha Sanhita, 2023, can be punished with up to one year in jail, a fine, or both.

Explanation using Example

Example 1:

Dr. Sharma is the head of a private hospital in Delhi. One evening, a victim of a road accident is brought to the emergency room. Despite the critical condition of the victim, Dr. Sharma instructs the staff to refuse treatment because the victim does not have any identification or money to pay for the services. As a result, the victim's condition worsens. Under Section 200 of the Bharatiya Nyaya Sanhita 2023, Dr. Sharma can be punished with imprisonment for up to one year, a fine, or both for failing to provide necessary treatment to the victim.

Example 2:

A government hospital in Mumbai receives a patient who has been severely injured in a factory accident. The hospital administrator, Mr. Patel, decides not to admit the patient because the hospital is already overcrowded and lacks sufficient resources. The patient is left unattended and his injuries become life-threatening. According to Section 200 of the Bharatiya Nyaya Sanhita 2023, Mr. Patel can face legal consequences, including imprisonment for up to one year, a fine, or both, for not ensuring the victim received the required medical treatment.

Section 201: Public servant framing an incorrect document with intent to cause injury.

Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document or electronic record, frames, prepares or translates that document or electronic record in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Simplified Acts

If someone is a public servant and is responsible for preparing or translating any document or electronic record,

and they knowingly prepare or translate that document or record incorrectly,

intending to cause harm or knowing that it could likely cause harm to someone,

they can be punished with up to three years in prison, a fine, or both.

Explanation using Example

Example 1:

Ravi is a public servant working in the land revenue department. He is responsible for preparing land ownership documents. Ravi has a personal grudge against Suresh, a local farmer. To cause trouble for Suresh, Ravi deliberately prepares a land ownership document that incorrectly shows Suresh's land as belonging to another person. As a result, Suresh faces legal

issues and financial loss. Under Section 201 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to three years, a fine, or both for framing an incorrect document with the intent to cause injury to Suresh.

Example 2:

Priya is a public servant working in the municipal corporation and is responsible for translating official documents from English to Hindi. She is aware that a particular document contains crucial information about a new policy that will benefit the residents of a specific area. However, Priya has been bribed by a local contractor who stands to lose business if the policy is implemented. Priya intentionally mistranslates the document, making it appear as though the policy is not applicable to that area. As a result, the residents do not receive the benefits they are entitled to. Under Section 201 of The Bharatiya Nyaya Sanhita 2023, Priya can be punished with imprisonment for up to three years, a fine, or both for translating the document incorrectly with the intent to cause injury to the residents.

Section 202: Public servant unlawfully engaging in trade.

Whoever, being a public servant, and being legally bound as such public servant not to engage in trade, engages in trade, 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.

Simplified Acts

If you are a public servant and you are not allowed by law to do business, but you still do business, you can be punished.

The punishment can be:

Simple imprisonment for up to one year, or

A fine, or

Both imprisonment and a fine, or

Community service.

Explanation using Example

Example 1:

Ravi is a government school teacher in a small town in India. As a public servant, he is legally bound not to engage in any trade or business. However, Ravi starts a side business selling educational materials to his students and their parents. When the school administration finds out, they report him to the authorities. Under Section 202 of The Bharatiya Nyaya Sanhita 2023, Ravi could be punished with simple imprisonment for up to one year, a fine, or both, or he may be required to perform community service.

Example 2:

Meena is an officer in the municipal corporation of a large Indian city. She is responsible for issuing business licenses and ensuring compliance with local regulations. Despite being legally prohibited from engaging in trade, Meena secretly runs a small catering business on the weekends. Her colleagues discover her side business and report her to the higher authorities. According to Section 202 of The Bharatiya Nyaya Sanhita 2023, Meena could face simple imprisonment for up to one year, a fine, or both, or she may be ordered to perform community service.

Section 203: Public servant unlawfully buying or bidding for property.

Whoever, being a public servant, and being legally bound as such public servant, not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly, or in shares with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both; and the property, if purchased, shall be confiscated.

Simplified Acts

If you are a public servant and the law says you are not allowed to buy or bid for certain property, you must follow this rule.

If you break this rule and buy or bid for the property anyway, whether you do it in your own name, someone else's name, or together with others, you will face consequences.

The punishment for breaking this rule can be:

Simple imprisonment for up to two years, or

A fine, or

Both imprisonment and a fine.

Additionally, if you bought the property, it will be taken away (confiscated).

Explanation using Example

Example 1:

Ravi is a government officer in the Municipal Corporation of Mumbai. The corporation decides to auction a piece of land that is under its jurisdiction. As a public servant, Ravi is legally prohibited from participating in the auction. However, Ravi, using his wife's name, bids for the land and wins the auction. According to Section 203 of The Bharatiya Nyaya Sanhita 2023, Ravi has committed an offense by unlawfully bidding for the property. He could face simple imprisonment for up to two years, a fine, or both. Additionally, the land he purchased would be confiscated.

Example 2:

Sunita is an officer in the Income Tax Department in Delhi. The department is auctioning off a property that was seized due to unpaid taxes. Sunita, aware of the property's value, decides to bid for it using her brother's name. She wins the bid and purchases the property. Under Section 203 of The Bharatiya Nyaya Sanhita 2023, Sunita has violated the law by purchasing the property through her brother. She could be sentenced to simple imprisonment for up to two years, fined, or both. The property she purchased would also be confiscated.

Section 204: Personating a public servant.

Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to three years and with fine.

Simplified Acts

If someone pretends to be a public servant, knowing they are not, or falsely claims to be another person who is a public servant, and then acts or tries to act as if they have the authority of that office, they can be punished.

The punishment for this can be imprisonment for at least six months and up to three years, and they may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a resident of Mumbai, dresses up in a police uniform and stops vehicles at a busy intersection, pretending to be a traffic police officer. He fines several drivers for alleged traffic violations and collects money from them. Ravi knows he is not a police officer and is falsely personating one. Under Section 204 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for a term of not less than six months and up to three years, along with a fine.

Example 2:

Sunita, who lives in Delhi, receives a call from someone claiming to be an officer from the Income Tax Department. The caller, who is actually Ramesh, demands Sunita to pay a certain amount of money immediately to avoid a penalty for alleged tax evasion. Ramesh knows he is not an Income Tax officer and is falsely personating one to extort money. Under Section 204 of The Bharatiya Nyaya Sanhita 2023, Ramesh can be punished with imprisonment for a term of not less than six months and up to three years, along with a fine.

Section 205: Wearing garb or carrying token used by public servant with fraudulent intent.

Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone who is not a certain type of public servant:

Wears clothes or carries something that looks like what that type of public servant uses,

And does this so that people will think, or are likely to think, that they are that type of public servant,

Then that person can be punished with:

Up to three months in jail, or

A fine of up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi, a civilian, decides to wear a police uniform and carry a fake police badge to gain access to a restricted area during a public event. He does this with the intention of making others believe that he is a police officer so that he can bypass security checks and gain unauthorized entry. Under Section 205 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to three months, a fine of up to five thousand rupees, or both, for wearing the police uniform and carrying the fake badge with fraudulent intent.

Example 2:

Sunita, who is not a government official, wears a uniform similar to that of a municipal corporation worker and carries an identification card that resembles the official ID of municipal workers. She does this to collect money from shopkeepers by falsely claiming that she is authorized to collect fines for violations of municipal regulations. Under Section 205 of The Bharatiya Nyaya Sanhita 2023, Sunita can be punished with imprisonment for up to three months, a fine of up to five thousand rupees, or both, for impersonating a municipal worker with the intent to deceive and defraud the shopkeepers.

CHAPTER XIII: OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

Section 206: Absconding to avoid service of summons or other proceeding.

Whoever absconds in order to avoid being served with a summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, --

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;

(b) where such summons or notice or order is to attend in person or by agent, or to produce a document or an electronic record in a Court shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

Simplified Acts

If someone runs away to avoid receiving a legal summons, notice, or order from a public official who has the authority to issue it, then:

(a) They can be punished with simple imprisonment for up to one month, or a fine of up to five thousand rupees, or both.

(b) If the summons, notice, or order requires them to appear in person or through an agent, or to produce a document or electronic record in court, they can be punished with simple imprisonment for up to six months, or a fine of up to ten thousand rupees, or both.

Explanation using Example

Example 1:

Ravi receives a notice from the local municipal office to appear in person regarding a property tax dispute. Instead of attending the hearing, Ravi decides to leave town and stays with a relative in another city to avoid the proceedings. The municipal office, after several failed attempts to serve the notice, reports Ravi's absconding to the police. Under Section 206 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with simple imprisonment for up to one month, or a fine up to five thousand rupees, or both.

Example 2:

Priya is summoned by the court to produce certain financial documents related to a fraud investigation. Knowing that the documents could incriminate her, Priya deliberately avoids the court summons by moving to a different state and not informing anyone of her whereabouts. The court, unable to serve the summons, issues a warrant for her arrest. Under Section 206 of The Bharatiya Nyaya Sanhita 2023, Priya can be punished with simple imprisonment for up

to six months, or a fine up to ten thousand rupees, or both, for absconding to avoid producing the required documents in court.

Section 207: Preventing service of summons or other proceeding, or preventing publication thereof.

Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, or intentionally prevents the lawful affixing to any place of any such summons, notice or order or intentionally removes any such summons, notice or order from any place to which it is lawfully affixed or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made,--

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;

(b) where the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document or electronic record in a Court, with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

Simplified Acts

If someone intentionally stops a legal notice, summons, or order from being delivered to themselves or someone else, or stops it from being posted in a place where it should be, or removes it from where it was posted, or stops a public announcement from being made by a public official who has the authority to do so, then:

(a) They can be punished with simple jail time for up to one month, or a fine up to five thousand rupees, or both.

(b) If the notice, summons, order, or announcement is about attending court in person or through an agent, or about producing a document or electronic record in court, they can be punished with simple jail time for up to six months, or a fine up to ten thousand rupees, or both.

Explanation using Example

Example 1:

Ravi receives a court summons at his home, requiring him to appear in court as a witness in a criminal case. Fearing the consequences of his testimony, Ravi intentionally tears up the summons and throws it away, hoping to avoid appearing in court. By doing this, Ravi is preventing the service of a summons issued by a legally competent public servant. Under Section 207 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with simple imprisonment for up to one month, a fine of up to five thousand rupees, or both.

Example 2:

Priya is a business owner who receives a notice from the municipal corporation to attend a hearing regarding a zoning violation at her shop. Priya, not wanting to deal with the legal hassle, instructs her employees to remove the notice from the shop's entrance and discard it. By intentionally removing the notice, Priya is preventing the lawful affixing of a notice issued by a legally competent public servant. According to Section 207 of The Bharatiya Nyaya Sanhita 2023, Priya can be punished with simple imprisonment for up to one month, a fine of up to five thousand rupees, or both.

Example 3:

Ajay is served with a court order to produce certain financial documents in a civil lawsuit. Instead of complying, Ajay hides the documents and tells the process server that he never received any such order. By intentionally preventing the service of an order to produce documents in court, Ajay is violating Section 207 of The Bharatiya Nyaya Sanhita 2023. He can be punished with simple imprisonment for up to six months, a fine of up to ten thousand rupees, or both.

Example 4:

Sunita is aware that a public proclamation is going to be made in her neighborhood regarding a public meeting to discuss a new development project. She believes the project will negatively impact her property value, so she disrupts the public servant making the proclamation by creating a loud disturbance and preventing the announcement from being heard. By intentionally preventing the lawful making of a proclamation, Sunita is in violation of Section 207 of The Bharatiya Nyaya Sanhita 2023. She can be

punished with simple imprisonment for up to one month, a fine of up to five thousand rupees, or both.

Section 208: Non-attendance in obedience to an order from public servant.

Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order, or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time or departs from the place where he is bound to attend before the time at which it is lawful for him to depart,--

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;

(b) where the summons, notice, order or proclamation is to attend in person or by agent in a Court with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

Illustrations

(a) A, being legally bound to appear before a High Court, in obedience to a subpoena issuing from that Court, intentionally omits to appear. A has committed the offence defined in this section.

(b) A, being legally bound to appear before a District Judge, as a witness, in obedience to a summons issued by that District Judge intentionally omits to appear. A has committed the offence defined in this section.

Simplified Acts

If someone is required by law to show up at a specific place and time, either in person or through a representative, because they received a summons, notice, order, or announcement from a public official who has the legal authority to issue it, and they intentionally do not show up or leave before they are allowed to, then:

(a) They can be punished with simple imprisonment for up to one month, or a fine up to five thousand rupees, or both.

(b) If the summons, notice, order, or announcement requires them to appear in person or through a representative in a Court, they can be punished with simple imprisonment for up to six months, or a fine up to ten thousand rupees, or both.

Examples

(a) If A is required by law to appear before a High Court because of a subpoena from that Court and intentionally does not show up, A has committed an offense under this section.

(b) If A is required by law to appear before a District Judge as a witness because of a summons from that Judge and intentionally does not show up, A has committed an offense under this section.

Explanation using Example

Example 1:

Ravi receives a summons from the local police station to appear as a witness in a theft case. The summons clearly states that he must be present at the police station at 10:00 AM on a specific date. Ravi, despite being legally bound to attend, decides not to go to the police station on the given date and time. By intentionally omitting to attend, Ravi has committed an offense under Section 208 of The Bharatiya Nyaya Sanhita 2023. He could be punished with simple imprisonment for up to one month, a fine of up to five thousand rupees, or both.

Example 2:

Priya is served a notice to appear in person before the High Court as a witness in a high-profile corruption case. The notice specifies the date and time she must be present. Priya acknowledges the notice but chooses to leave the court premises before her scheduled time of appearance. By departing from the place where she is legally bound to attend before the lawful time, Priya has committed an offense under Section 208 of The Bharatiya Nyaya Sanhita 2023. She could face simple imprisonment for up to six months, a fine of up to ten thousand rupees, or both.

Section 209: Non-appearance in response to a proclamation under section 84 of Bharatiya Nagarik Suraksha Sanhita, 2023.

Whoever fails to appear at the specified place and the specified time as required by a proclamation published under sub-section (1) of section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023, shall be punished with:

Imprisonment for a term which may extend to three years,

Or with fine,

Or with both,

Or with community service,

And where a declaration has been made under sub-section (4) of that section pronouncing him as a proclaimed offender, he shall be punished with:

Imprisonment for a term which may extend to seven years

And shall also be liable to fine.

Simplified Acts

If someone does not show up at the place and time mentioned in a public notice under section 84(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, they can be punished with:

Up to three years in prison,

Or a fine,

Or both prison and a fine,

Or community service,

If it has been officially declared under section 84(4) that this person is a "proclaimed offender," they can be punished with:

Up to seven years in prison,

And they will also have to pay a fine.

Explanation using Example

Example 1:

Ravi is accused of fraud and is under investigation. The court issues a proclamation under Section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023, requiring Ravi to appear before the court on a specified date and time.

Despite the proclamation being published in the local newspapers and announced in his neighborhood, Ravi fails to appear in court. As a result, under Section 209 of the Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to three years, or a fine, or both, or community service.

Example 2:

Meena is involved in a serious criminal case and has been evading arrest. The court issues a proclamation under Section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023, declaring her a proclaimed offender after she fails to appear in response to the proclamation. Consequently, under Section 209 of the Bharatiya Nyaya Sanhita 2023, Meena can be punished with imprisonment for up to seven years and will also be liable to pay a fine.

Section 210: Omission to produce document or electronic record to public servant by person legally bound to produce it.

Whoever, being legally bound to produce or deliver up any document or electronic record to any public servant, as such, intentionally omits so to produce or deliver up the same, --

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;

(b) and where the document or electronic record is to be produced or delivered up to a Court with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

Illustration

A, being legally bound to produce a document before a District Court, intentionally omits to produce the same. A has committed the offence defined in this section.

Simplified Acts

If someone is required by law to give a document or electronic record to a public servant and they intentionally do not do it, then:

(a) They can be punished with simple jail time for up to one month, or a fine up to five thousand rupees, or both.

(b) If the document or electronic record was supposed to be given to a Court, they can be punished with simple jail time for up to six months, or a fine up to ten thousand rupees, or both.

Example

If person A is required by law to give a document to a District Court and they intentionally do not do it, person A has committed a crime under this section.

Explanation using Example

Example 1:

Ravi is a businessman who is legally bound to produce his company's financial records to the Income Tax Department for an ongoing investigation. Despite receiving multiple notices, Ravi intentionally fails to submit the required documents. As a result, Ravi can be punished under Section 210 of The Bharatiya Nyaya Sanhita 2023 with simple imprisonment for a term which may extend to one month, or with a fine which may extend to five thousand rupees, or with both.

Example 2:

Priya is involved in a civil lawsuit and is required by the court to produce certain electronic records, including emails and transaction logs, as evidence. Priya intentionally omits to produce these records despite being legally bound to do so. Under Section 210 of The Bharatiya Nyaya Sanhita 2023, Priya can be punished with simple imprisonment for a term which may extend to six months, or with a fine which may extend to ten thousand rupees, or with both

Section 211: Omission to give notice or information to public servant by person legally bound to give it.

Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, --

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;

(b) where the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the

commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both;

(c) where the notice or information required to be given is required by an order passed under section 394 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Simplified Acts

If someone is legally required to give a notice or provide information to a public servant and they intentionally fail to do so in the way and time required by law, then:

(a) They can be punished with simple imprisonment for up to one month, or a fine up to five thousand rupees, or both.

(b) If the notice or information is about a crime, or is needed to prevent a crime, or to catch a criminal, they can be punished with simple imprisonment for up to six months, or a fine up to ten thousand rupees, or both.

(c) If the notice or information is required by an order under section 394 of the Bharatiya Nagarik Suraksha Sanhita, 2023, they can be punished with imprisonment for up to six months, or a fine up to one thousand rupees, or both.

Explanation using Example

Example 1:

Ravi is a landlord in Mumbai who is legally required to inform the local police station about any new tenants moving into his property. This requirement is in place to ensure that the police have up-to-date information about the residents in their jurisdiction. Ravi, however, intentionally decides not to inform the police about his new tenant, Rajesh, who moved in last month. As a result, Ravi can be punished under Section 211 of the Bharatiya Nyaya Sanhita 2023 with simple imprisonment for up to one month, or a fine up to five thousand rupees, or both.

Example 2:

Priya, a school principal in Delhi, is aware that one of her students, Anil, has been involved in a serious fight outside the school premises, which could

potentially lead to a criminal offense. Priya is legally bound to report such incidents to the local authorities to prevent further escalation and to apprehend the offender if necessary. However, Priya intentionally omits to report this information to the police. Under Section 211 of the Bharatiya Nyaya Sanhita 2023, Priya can be punished with simple imprisonment for up to six months, or a fine up to ten thousand rupees, or both.

Example 3:

Sunita, a shop owner in Bangalore, receives an order from the local municipal authority under Section 394 of the Bharatiya Nagarik Suraksha Sanhita, 2023, requiring her to provide information about her business operations for a safety inspection. Sunita intentionally fails to comply with this order and does not furnish the required information. As a result, under Section 211 of the Bharatiya Nyaya Sanhita 2023, Sunita can be punished with imprisonment of either description for up to six months, or a fine up to one thousand rupees, or both

Section 212: Furnishing false information.

Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, --

(a) shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both;

(b) where the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations

(a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.

(b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, a

wealthy merchant residing in a neighbouring place, and being legally bound to give early and punctual information of the above fact to the officer of the nearest police station, wilfully misinforms the police officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in a different direction. Here A is guilty of the offence defined in this section.

Explanation: In section 211 and in this section the word "offence" includes any act committed at any place out of India, which, if committed in India, would be punishable under any of the following sections, namely, 103, 105, 307, sub-sections (2), (3) and (4) of section 309, sub-sections (2), (3), (4) and (5) of section 310, 311, 312, clauses (f) and (g) of section 326, sub-sections (4), (6), (7) and (8) of section 331, clauses (a) and (b) of section 332 and the word "offender" includes any person who is alleged to have been guilty of any such act.

Simplified Acts

If someone is required by law to give information to a public servant and knowingly gives false information, they can be punished as follows:

- (a) They can be jailed for up to six months, fined up to five thousand rupees, or both.
- (b) If the false information is about a crime, or is needed to prevent a crime or catch a criminal, they can be jailed for up to two years, fined, or both.

Examples

- (a) A landowner knows about a murder on his property but tells the district magistrate that the death was caused by a snake bite. The landowner is guilty under this law.
- (b) A village watchman knows that a group of strangers passed through his village to commit a robbery at a nearby merchant's house. He is supposed to inform the nearest police station but instead tells the police that the strangers were heading to a different place. The watchman is guilty under this law.

Explanation: In this section and section 211, the word "offence" includes any act done outside India that would be punishable under certain sections if it were done in India. The word "offender" includes anyone accused of such an act.

Explanation using Example

Example 1:

Ravi, a shop owner, witnesses a hit-and-run accident outside his store. The police arrive and ask Ravi for information about the incident. Ravi, who is legally bound to provide accurate information, tells the police that the car involved was a red sedan, even though he clearly saw that it was a blue SUV. Ravi provides this false information because he wants to protect his friend who owns a blue SUV. Ravi is guilty under Section 212 of the Bharatiya Nyaya Sanhita 2023 and can be punished with simple imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Example 2:

Sunita, a school teacher, knows that a group of students is planning to vandalize the school property. She is legally bound to inform the school authorities or the police to prevent the commission of this offence. However, Sunita, wanting to avoid any trouble, informs the principal that the students are planning a harmless prank instead. By providing false information that could prevent the apprehension of the offenders, Sunita is guilty under Section 212 of the Bharatiya Nyaya Sanhita 2023 and can be punished with imprisonment for up to two years, a fine, or both.

Section 213: Refusing oath or affirmation when duly required by public servant to make it.

Whoever refuses to bind himself by an oath or affirmation to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone is asked by a legally authorized public servant to take an oath or make a promise to tell the truth and they refuse to do so, they can be punished.

The punishment can be:

Simple imprisonment for up to six months, or

A fine of up to five thousand rupees, or
Both imprisonment and a fine.

Explanation using Example

Example 1:

Ravi is a witness in a criminal case involving a theft in his neighborhood. The court has summoned him to testify. During the court proceedings, the judge, who is a public servant legally competent to require an oath, asks Ravi to take an oath to tell the truth. Ravi, however, refuses to take the oath, stating that he does not believe in the judicial process. As a result, Ravi can be charged under Section 213 of The Bharatiya Nyaya Sanhita 2023 for refusing to bind himself by an oath when duly required by a public servant. He may face simple imprisonment for up to six months, a fine up to five thousand rupees, or both.

Example 2:

Priya is called to testify in a civil case regarding a property dispute. The court clerk, acting on behalf of the judge, asks Priya to affirm that she will tell the truth during her testimony. Priya refuses to make the affirmation, arguing that she does not want to be involved in the case. Since the court clerk is a public servant legally competent to require the affirmation, Priya's refusal can lead to her being charged under Section 213 of The Bharatiya Nyaya Sanhita 2023. She could be punished with simple imprisonment for a term up to six months, a fine up to five thousand rupees, or both.

Section 214: Refusing to answer public servant authorised to question.

Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone is required by law to tell the truth to a public official and they refuse to answer a question asked by that official, they can be punished. The punishment can be:

Simple imprisonment for up to six months, or

A fine of up to five thousand rupees, or

Both imprisonment and a fine.

Explanation using Example

Example 1:

Ravi is a witness in a criminal case involving a theft at a local market. The police officer, who is a public servant, is legally authorized to question Ravi about what he saw on the day of the theft. During the questioning, Ravi refuses to answer any questions about the incident, despite being legally bound to tell the truth. As a result, Ravi can be punished under Section 214 of The Bharatiya Nyaya Sanhita 2023 with simple imprisonment for up to six months, a fine up to five thousand rupees, or both.

Example 2:

Meera is summoned by the Income Tax Department for an inquiry regarding her financial transactions. The income tax officer, a public servant, asks Meera specific questions about her bank statements and sources of income. Meera, although legally required to provide truthful answers, refuses to answer any of the questions posed by the officer. Due to her refusal to cooperate, Meera can face penalties under Section 214 of The Bharatiya Nyaya Sanhita 2023, which include simple imprisonment for up to six months, a fine up to five thousand rupees, or both.

Section 215: Refusing to sign statement.

Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to three thousand rupees, or with both.

Simplified Acts

If someone is asked by a public official to sign a statement they made, and they refuse to sign it, they can be punished.

The punishment can be:

Up to three months in jail, or

A fine of up to three thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi is a witness to a road accident in Mumbai. The police officer, who is a legally competent public servant, records Ravi's statement about what he saw. After giving his statement, the officer asks Ravi to sign the document to confirm its accuracy. Ravi, however, refuses to sign the statement. Under Section 215 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with simple imprisonment for up to three months, or a fine up to three thousand rupees, or both, for refusing to sign the statement.

Example 2:

Priya is called to the local police station in Delhi to provide a statement regarding a theft she witnessed in her neighborhood. After narrating the incident, the investigating officer writes down her statement and asks her to sign it. Priya, fearing involvement in the case, refuses to sign the statement. According to Section 215 of The Bharatiya Nyaya Sanhita 2023, Priya's refusal to sign the statement can result in her being punished with simple imprisonment for a term which may extend to three months, or with a fine which may extend to three thousand rupees, or with both.

Section 216: False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation.

Whoever, being legally bound by an oath or affirmation to state the truth on any subject to any public servant or other person authorised by law to administer such oath or affirmation, makes, to such public servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Simplified Acts

If someone is required by law to tell the truth under an oath or affirmation to a public servant or any other authorized person,

and they make a false statement about the subject they are asked about,

and they know or believe that the statement is false, or they do not believe it to be true,

they can be punished with up to three years in prison and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi is a witness in a criminal case involving a theft at a local market. He is called to testify in court and is required to take an oath to tell the truth. During his testimony, Ravi falsely claims that he saw his neighbor, Suresh, committing the theft, even though he knows that Suresh was not present at the scene. Ravi's false statement, made under oath, leads to Suresh being wrongfully accused. Under Section 216 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to three years and may also be fined for making a false statement on oath.

Example 2:

Priya is involved in a civil dispute over property ownership and is required to give a statement under oath to a government land surveyor, who is authorized to administer oaths. Priya falsely claims that she has been living on the disputed property for over 10 years, even though she knows this is not true. Her false statement is intended to influence the surveyor's report in her favor. Under Section 216 of The Bharatiya Nyaya Sanhita 2023, Priya can be punished with imprisonment for up to three years and may also be fined for making a false statement on oath.

Section 217: False information, with intent to cause public servant to use his lawful power to injury of another person.

Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant -

(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him; or

(b) to use the lawful power of such public servant to the injury or annoyance of any person,

shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

Illustrations

(a) A informs a Magistrate that Z, a police officer, subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.

(b) A falsely informs a public servant that Z has contraband salt in a secret place, knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this section.

(c) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of this information the police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has committed an offence under this section.

Simplified Acts

If someone gives false information to a public servant (like a police officer or government official) knowing it is false, and does so with the intention of causing, or knowing it is likely to cause, the public servant to:

(a) do something they shouldn't do, or not do something they should do, if they knew the true facts; or

(b) use their legal power in a way that harms or annoys someone,

that person can be punished with up to one year in prison, a fine of up to ten thousand rupees, or both.

Examples

(a) A tells a Magistrate that Z, a police officer working under the Magistrate, has neglected his duty or behaved badly, knowing this is false, and knowing it is likely to cause the Magistrate to fire Z. A has committed the crime described in this section.

(b) A falsely tells a public servant that Z has illegal salt hidden somewhere, knowing this is false, and knowing it is likely to cause the public servant to search Z's place, which will annoy Z. A has committed the crime described in this section.

(c) A falsely tells a policeman that he was attacked and robbed near a certain village. He doesn't name anyone as the attacker, but knows it is likely that the police will investigate and search the village, which will annoy the villagers. A has committed a crime under this section.

Explanation using Example

Example 1:

Ravi, who has a personal grudge against his neighbor Suresh, falsely informs the local police inspector that Suresh is running an illegal gambling den in his house. Ravi knows this information is false but intends to cause trouble for Suresh. Based on Ravi's false information, the police conduct a raid on Suresh's house, causing him embarrassment and distress. Ravi has committed an offense under Section 217 of the Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya, an employee at a company, is upset with her colleague Anil for getting a promotion she wanted. To get back at him, Priya falsely reports to the company's HR department that Anil has been stealing office supplies. Priya knows this information is false but hopes that Anil will be investigated and possibly fired. The HR department, acting on Priya's false information, starts an investigation against Anil, causing him stress and damaging his reputation. Priya has committed an offense under Section 217 of the Bharatiya Nyaya Sanhita 2023.

Section 218: Resistance to taking of property by lawful authority of a public servant.

Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

Simplified Acts

If someone tries to stop a public servant (like a police officer or government official) from taking property when they are allowed to do so by law, and they know or should know that the person is a public servant, they can be punished.

The punishment can be:

Up to six months in jail, or

A fine of up to ten thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi, a resident of Mumbai, has defaulted on his property tax payments for several years. The municipal corporation has sent multiple notices, but Ravi has ignored them. Finally, a municipal officer, accompanied by police officers, arrives at Ravi's house to seize his car as per the lawful authority granted to them for recovering the dues. Ravi, knowing that the officer is a public servant, physically blocks the officer from taking the car. Under Section 218 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to six months, a fine up to ten thousand rupees, or both for resisting the lawful authority of the public servant.

Example 2:

Priya runs a small shop in Delhi and has been illegally occupying a portion of the public footpath for her business. The local municipal authorities have issued several warnings and finally decide to confiscate the goods placed on the footpath. When the municipal officer arrives to take the goods, Priya, aware that the officer is a public servant, tries to prevent the officer by locking the goods inside her shop and refusing to hand over the keys. Under Section 218 of The Bharatiya Nyaya Sanhita 2023, Priya can be punished with imprisonment

for up to six months, a fine up to ten thousand rupees, or both for resisting the lawful authority of the public servant.

Section 219: Obstructing sale of property offered for sale by authority of public servant.

Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone purposely tries to stop the sale of property that a public official is legally selling, they can be punished.

The punishment can be:

Up to one month in jail, or

A fine of up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi is a businessman in a small town. The local municipal authority, due to unpaid property taxes, decides to auction off a piece of land owned by another businessman, Suresh. The auction is conducted by a public servant authorized to do so. Ravi, who is a friend of Suresh, decides to disrupt the auction by creating a commotion and spreading false information about the land being disputed in court. As a result, potential buyers are scared away, and the auction is halted. Ravi's actions constitute an intentional obstruction of the sale of property offered by the lawful authority of a public servant. Under Section 219 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to one month, a fine up to five thousand rupees, or both.

Example 2:

Priya, a resident of a village, learns that the local government is auctioning off a piece of agricultural land due to the owner's failure to repay a government

loan. Priya, who has a personal grudge against the public servant conducting the auction, decides to obstruct the sale. She gathers a group of villagers and stages a protest at the auction site, blocking access and preventing the auction from taking place. Priya's actions are a clear case of obstructing the sale of property by the lawful authority of a public servant. According to Section 219 of The Bharatiya Nyaya Sanhita 2023, Priya could face imprisonment for up to one month, a fine up to five thousand rupees, or both.

Section 220: Illegal purchase or bid for property offered for sale by authority of public servant.

Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Simplified Acts

If someone buys or bids for property at a sale conducted by a public official, knowing that the person they are buying or bidding for is legally not allowed to buy that property, or

If someone bids for property without intending to follow through with their bid, They can be punished with up to one month in jail, or a fine of up to two hundred rupees, or both.

Explanation using Example

Example 1:

Ravi, a government employee, is aware that his friend Suresh is legally barred from purchasing property due to a court order. Despite this, Ravi attends a government auction and bids on a piece of land on behalf of Suresh. Ravi wins the bid but has no intention of fulfilling the payment obligations. Under Section 220 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to one month, a fine of up to two hundred rupees, or both, for illegally bidding on behalf of someone who is legally incapacitated.

Example 2:

Meena, knowing that her brother Rajesh is a minor and thus legally incapable of purchasing property, attends a municipal auction and bids on a commercial property on Rajesh's behalf. Meena wins the bid but does not plan to complete the purchase. According to Section 220 of The Bharatiya Nyaya Sanhita 2023, Meena can face imprisonment for up to one month, a fine of up to two hundred rupees, or both, for making an illegal bid on behalf of her brother who is under a legal incapacity to purchase the property.

Section 221: Obstructing public servant in discharge of public functions.

Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two thousand and five hundred rupees, or with both.

Simplified Acts

If anyone intentionally stops a public servant from doing their job, they can be punished.

The punishment can be:

Up to three months in jail, or

A fine up to two thousand five hundred rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi, a local shopkeeper, is unhappy with the municipal officer, Mr. Sharma, who is inspecting shops for compliance with health and safety regulations. When Mr. Sharma arrives at Ravi's shop, Ravi blocks the entrance and refuses to let him in, despite Mr. Sharma showing his official identification and explaining his duty. Ravi's actions prevent Mr. Sharma from performing his official duties. Under Section 221 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to three months, a fine of up to two thousand and five hundred rupees, or both.

Example 2:

During a public event, Police Officer Priya is managing traffic to ensure the safety of the attendees. Ajay, a local resident, is in a hurry and tries to drive through a barricaded area. When Officer Priya stops him and explains that the area is closed for public safety, Ajay becomes aggressive and physically pushes the barricade aside, obstructing Officer Priya from performing her duty. Ajay's actions constitute an obstruction of a public servant in the discharge of her public functions. According to Section 221 of The Bharatiya Nyaya Sanhita 2023, Ajay could face imprisonment for up to three months, a fine of up to two thousand and five hundred rupees, or both.

Section 222: Omission to assist public servant when bound by law to give assistance.

Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, --

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two thousand and five hundred rupees, or with both;

(b) and where such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court or of preventing the commission of an offence, or suppressing a riot, or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone is legally required to help a public servant (like a police officer) with their duties and they purposely do not help, then:

(a) They can be punished with simple jail time for up to one month, or a fine up to 2,500 rupees, or both.

(b) If a public servant who has the legal right to ask for help does so for specific reasons like carrying out a court order, stopping a crime, controlling a riot, or catching someone who has escaped custody, and the person still does not help,

then they can be punished with simple jail time for up to six months, or a fine up to 5,000 rupees, or both.

Explanation using Example

Example 1:

Ravi is a local shopkeeper in a small town in India. One day, a police officer approaches Ravi and asks for his help in catching a thief who has just stolen a purse and is running through the market. Ravi, who is legally bound to assist the police officer, intentionally ignores the request and continues attending to his customers. Under Section 222 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with simple imprisonment for up to one month, or a fine up to two thousand and five hundred rupees, or both.

Example 2:

Meena is a resident of a village where a riot has broken out. A magistrate, who is legally competent to demand assistance, asks Meena to help in calming the situation and preventing further violence. Meena, despite being bound by law to assist, refuses to help and stays inside her house. Under Section 222(b) of The Bharatiya Nyaya Sanhita 2023, Meena can be punished with simple imprisonment for up to six months, or a fine up to five thousand rupees, or both, because her assistance was demanded for the purpose of suppressing a riot.

Section 223: Disobedience to order duly promulgated by public servant.

Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, --

(a) shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand and five hundred rupees, or with both;

(b) and where such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend

to one year, or with fine which may extend to five thousand rupees, or with both.

Explanation. - It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

Simplified Acts

If someone knows that a public servant has made an order that tells them not to do something, or to take care of certain property, and they disobey that order, then:

(a) If their disobedience causes or is likely to cause problems, annoyance, or harm to someone who is lawfully working, they can be punished with simple jail time for up to six months, or a fine up to two thousand five hundred rupees, or both.

(b) If their disobedience causes or is likely to cause danger to human life, health, or safety, or causes or is likely to cause a riot or fight, they can be punished with jail time for up to one year, or a fine up to five thousand rupees, or both.

Explanation. - The person does not need to intend to cause harm or think that their disobedience will cause harm. It is enough that they know about the order and their disobedience causes or is likely to cause harm.

Example

A public servant makes an order that a religious procession should not go down a certain street. If someone knowingly disobeys this order and causes a risk of a riot, they have committed the offense described in this section.

Explanation using Example

Example 1:

During a festival season, the local District Magistrate issues an order prohibiting the use of loudspeakers after 10 PM to prevent noise pollution and ensure public peace. Raj, a local shop owner, is aware of this order but continues to play loud music outside his shop well past midnight. This causes annoyance to the residents in the area and disrupts their sleep. Raj's actions fall under Section 223(a) of The Bharatiya Nyaya Sanhita 2023, and he can be punished with simple imprisonment for up to six months, a fine up to two thousand and five hundred rupees, or both.

Example 2:

A public health officer issues an order during a pandemic, mandating that all individuals in a specific area must wear masks in public places to prevent the spread of the virus. Priya, who is aware of this order, refuses to wear a mask while shopping in a crowded market. Her disobedience not only poses a risk to her own health but also endangers the health and safety of others around her. Priya's actions fall under Section 223(b) of The Bharatiya Nyaya Sanhita 2023, and she can be punished with imprisonment for up to one year, a fine up to five thousand rupees, or both.

Example 3:

The local police department issues an order prohibiting the gathering of more than five people in a public place to prevent potential riots during a politically sensitive period. Despite knowing about this order, a group of individuals, including Ravi, organizes a protest rally with over fifty participants. This disobedience leads to a clash with another group, causing a riot. Ravi's actions fall under Section 223(b) of The Bharatiya Nyaya Sanhita 2023, and he can be punished with imprisonment for up to one year, a fine up to five thousand rupees, or both.

Example 4:

A municipal authority issues an order directing that no construction work should be carried out in a particular area due to safety concerns related to unstable ground. Despite being aware of this order, a construction company owned by Suresh continues to build a new structure. This disobedience results in the collapse of the partially built structure, causing injury to several workers. Suresh's actions fall under Section 223(a) of The Bharatiya Nyaya Sanhita 2023, and he can be punished with simple imprisonment for up to six months, a fine up to two thousand and five hundred rupees, or both.

Section 224: Threat of injury to public servant.

Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If anyone threatens to harm a public servant or someone the public servant cares about,

with the intention of making the public servant do something, or stop or delay doing something,

related to their official duties,

they can be punished with up to two years in prison, a fine, or both.

Explanation using Example

Example 1:

Ravi, a local businessman, is unhappy with the municipal officer, Mr. Sharma, who has issued a notice to demolish an illegal construction on Ravi's property. In an attempt to prevent the demolition, Ravi threatens Mr. Sharma, saying that he will harm Mr. Sharma's family if he does not withdraw the notice. This act of threatening Mr. Sharma to influence his official duty falls under Section 224 of The Bharatiya Nyaya Sanhita 2023. Ravi can be punished with imprisonment for up to two years, or with a fine, or both.

Example 2:

Priya, a resident of a small town, is upset with the local police officer, Inspector Verma, who is investigating her brother for a theft case. Priya approaches Inspector Verma and threatens to spread false rumors about him taking bribes if he does not stop the investigation. By threatening Inspector Verma to delay or forbear his official duty, Priya's actions are covered under Section 224 of The Bharatiya Nyaya Sanhita 2023. Priya can face imprisonment for up to two years, or a fine, or both.

Section 225: Threat of injury to induce person to refrain from applying for protection to public servant.

Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Simplified Acts

If someone threatens to harm another person to stop them from asking for legal protection against harm to a public servant who is legally allowed to provide such protection,

That person making the threat can be punished with up to one year in jail, a fine, or both.

Explanation using Example

Example 1:

Ravi is a shop owner in a small town. He has been facing harassment from a local goon, Ajay, who demands protection money every month. Ravi decides to approach the local police station to file a complaint and seek protection from the police. However, Ajay gets wind of Ravi's plan and threatens to burn down Ravi's shop if he goes to the police. Fearing for his livelihood, Ravi refrains from filing the complaint. In this scenario, Ajay's threat to injure Ravi's property to prevent him from seeking police protection falls under Section 225 of The Bharatiya Nyaya Sanhita 2023. Ajay can be punished with imprisonment for up to one year, or with a fine, or both.

Example 2:

Priya is a college student who has been receiving threatening messages from a fellow student, Vikram. The messages are causing her severe mental distress, and she decides to report the matter to the college authorities and the police. Vikram, upon learning about Priya's intention, threatens to spread false rumors about her to ruin her reputation if she goes ahead with her complaint. Intimidated by Vikram's threat, Priya decides not to report the harassment. In this case, Vikram's threat to harm Priya's reputation to stop her from seeking

protection from the authorities is covered under Section 225 of The Bharatiya Nyaya Sanhita 2023. Vikram can be punished with imprisonment for up to one year, or with a fine, or both.

Section 226: Attempt to commit suicide to compel or restrain exercise of lawful power.

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.

Simplified Acts

If someone tries to commit suicide to force or stop a government worker from doing their job, they can be punished.

The punishment can be:

Up to one year in jail, or

A fine, or

Both jail and a fine, or

Community service.

Explanation using Example

Example 1:

Ravi, a local shop owner, is unhappy with the municipal officer's decision to demolish illegal structures in the market area. In an attempt to stop the demolition, Ravi climbs to the top of his shop and threatens to jump off if the officer does not halt the demolition. This act of attempting suicide to compel the officer to stop performing his lawful duty can lead to Ravi being punished under Section 226 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Meena, a resident of a small village, is upset with the local police officer for arresting her brother on charges of theft. To force the officer to release her brother, Meena consumes a bottle of sleeping pills in front of the police station, intending to take her own life if her brother is not released. This attempt to

commit suicide to restrain the officer from carrying out his lawful duty can result in Meena facing punishment as per Section 226 of The Bharatiya Nyaya Sanhita 2023.

CHAPTER XIV: OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

Section 227: Giving false evidence.

Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

Explanation 1

A statement is within the meaning of this section, whether it is made verbally or otherwise.

Explanation 2

A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

Illustrations

(a) A, in support of a just claim which B has against Z for one thousand rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.

(b) A, being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

(c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.

(d) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing anything upon the subject. A gives false evidence whether Z was at that place on the day named or not.

(e) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or document which he is bound by oath to interpret or translate truly, that which is not and which he does not believe to be a true interpretation or translation. A has given false evidence.

Simplified Acts

Whoever is legally required to tell the truth, either by taking an oath or because the law says so, and then makes a false statement that they know or believe to be false, or do not believe to be true, is considered to be giving false evidence.

Explanation 1

A statement counts under this rule whether it is spoken or written or made in any other way.

Explanation 2

A false statement about what someone believes also counts under this rule. A person can be guilty of giving false evidence if they say they believe something they do not actually believe, or if they say they know something they do not actually know.

Illustrations

(a) A, to support a valid claim that B has against Z for one thousand rupees, falsely swears in court that he heard Z admit that B's claim is valid. A has given false evidence.

(b) A, who is required by oath to tell the truth, says he believes a certain signature is Z's handwriting when he does not actually believe it. Here, A is knowingly making a false statement and therefore gives false evidence.

(c) A, who knows what Z's handwriting generally looks like, says he believes a certain signature is Z's handwriting, genuinely believing it to be true. Here, A's statement is about his belief and is true to his belief, so even if the signature is not Z's handwriting, A has not given false evidence.

(d) A, who is required by oath to tell the truth, says he knows that Z was at a specific place on a specific day without actually knowing anything about it. A gives false evidence whether Z was at that place on that day or not.

(e) A, an interpreter or translator, gives or certifies a translation or interpretation of a statement or document as true, which he is required by oath to do accurately, but it is not true and he does not believe it to be true. A has given false evidence.

Explanation using Example

Example 1:

Ravi is a witness in a court case involving a property dispute between his friend Suresh and another person, Ramesh. Ravi takes an oath to tell the truth before giving his testimony. During the trial, Ravi falsely claims that he saw Ramesh signing a document that transferred the property to Suresh, even though Ravi knows that he never witnessed such an event. Ravi's false statement under oath constitutes giving false evidence under Section 227 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya is called to testify in a criminal case where her colleague, Anil, is accused of theft. Priya is legally bound to tell the truth and takes an oath before testifying. She states that she believes the handwriting on a suspicious note found at the crime scene belongs to Anil, even though she has no knowledge or belief that it is Anil's handwriting. Priya's statement, made without any basis for her belief, is considered giving false evidence under Section 227.

Example 3:

Sunita, a translator, is asked to translate a crucial document in a legal case. She takes an oath to provide a true translation. However, Sunita deliberately mistranslates a key part of the document to favor one party in the case. Since Sunita knowingly provides a false translation, she is guilty of giving false evidence under Section 227.

Example 4:

Rajesh is a witness in a murder trial and is bound by an oath to tell the truth. He testifies that he saw the accused, Vikram, at the crime scene on the night of the murder, even though Rajesh was not present at the scene and has no

knowledge of Vikram's whereabouts. Rajesh's false testimony, given without any knowledge of the facts, constitutes giving false evidence under Section 227.

Example 5:

Anita is involved in a civil lawsuit over a financial transaction. She is required by law to make a truthful declaration about her financial dealings. Anita falsely declares that she received a payment from the defendant, knowing that no such payment was made. Anita's false declaration, made under legal obligation, is considered giving false evidence under Section 227.

Section 228: Fabricating false evidence.

Whoever causes any circumstance to exist or makes any false entry in any book or record, or electronic record or makes any document or electronic record containing a false statement, intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstance, false entry or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding is said "to fabricate false evidence".

Illustrations

(a) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.

(b) A makes a false entry in his shop-book for the purpose of using it as corroborative evidence in a Court. A has fabricated false evidence.

(c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the police are likely to search. A has fabricated false evidence.

Simplified Acts

Whoever creates a situation, makes a false entry in any book, record, or electronic record, or makes a document or electronic record with a false

statement, intending for it to be used as evidence in a court case or legal proceeding before a public official or arbitrator, and that such false evidence may cause someone to form a wrong opinion on an important point in the case, is said "to fabricate false evidence".

Examples

(a) A puts jewels into a box belonging to Z, intending for them to be found there and to make it look like Z committed theft. A has created false evidence.

(b) A makes a false entry in his shop book to use it as supporting evidence in court. A has created false evidence.

(c) A, intending to get Z convicted of a criminal conspiracy, writes a letter imitating Z's handwriting, pretending it is addressed to an accomplice in the conspiracy, and places the letter where he knows the police will find it. A has created false evidence.

Explanation using Example

Example 1:

Ravi is involved in a property dispute with his neighbor, Suresh. To strengthen his case, Ravi creates a fake sale deed showing that Suresh had sold the disputed property to him years ago. Ravi then submits this fake document as evidence in court, hoping that the judge will believe it and rule in his favor. By doing this, Ravi has fabricated false evidence.

Example 2:

Priya is accused of embezzling funds from her company. To divert suspicion, she plants some of the stolen money in her colleague Anil's locker and then anonymously tips off the company's internal audit team. When the audit team finds the money in Anil's locker, they suspect him of the crime. Priya has fabricated false evidence to mislead the investigation and frame Anil.

Example 3:

During a tax evasion investigation, Rajesh, a businessman, alters the financial records of his company to show lower profits and reduced tax liability. He submits these falsified records to the tax authorities, hoping to avoid paying higher taxes. Rajesh has fabricated false evidence by making false entries in his financial records.

Example 4:

Sunita is involved in a legal battle over the custody of her child. To make her ex-husband, Ramesh, look unfit for custody, she creates fake medical reports showing that Ramesh has a history of mental illness. She submits these fake reports in court, hoping that the judge will deny Ramesh custody based on this false information. Sunita has fabricated false evidence.

Example 5:

Amit is accused of participating in a criminal conspiracy. To clear his name, he writes a letter pretending to be from the actual conspirator, confessing to the crime and exonerating Amit. He then plants this letter in a place where the police are likely to find it during their investigation. Amit has fabricated false evidence by creating a false document intended to mislead the authorities.

Section 229: Punishment for false evidence.

False Evidence in Judicial Proceedings

(1) Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine which may extend to ten thousand rupees.

(2) Whoever intentionally gives or fabricates false evidence in any case other than that referred to in sub-section (1), shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine which may extend to five thousand rupees.

Explanation 1

A trial before a Court-martial is a judicial proceeding.

Explanation 2

An investigation directed by law preliminary to a proceeding before a Court, is a stage of a judicial proceeding, though that investigation may not take place before a Court.

Illustration

A, in an enquiry before a Magistrate for the purpose of ascertaining whether Z ought to be committed for trial, makes on oath a statement which he knows to

be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Explanation 3

An investigation directed by a Court according to law, and conducted under the authority of a Court, is a stage of a judicial proceeding, though that investigation may not take place before a Court.

Illustration

A, in an enquiry before an officer deputed by a Court to ascertain on the spot the boundaries of land, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Simplified Acts

False Evidence in Judicial Proceedings

(1) If someone intentionally gives false evidence (lies) at any stage of a court case, or creates false evidence to be used in a court case, they can be punished with up to seven years in prison and may also have to pay a fine of up to ten thousand rupees.

(2) If someone intentionally gives or creates false evidence in any situation other than a court case, they can be punished with up to three years in prison and may also have to pay a fine of up to five thousand rupees.

Explanation 1

A trial before a military court is considered a court case.

Explanation 2

An investigation required by law before a court case is considered a stage of a court case, even if it doesn't happen in a courtroom.

Example

If A, during an investigation by a Magistrate to decide if Z should go to trial, makes a statement under oath that A knows is false, A has given false evidence because this investigation is part of a court case.

Explanation 3

An investigation ordered by a court and conducted under the court's authority is considered a stage of a court case, even if it doesn't happen in a courtroom.

Example

If A, during an investigation by an officer appointed by a court to determine land boundaries, makes a statement under oath that A knows is false, A has given false evidence because this investigation is part of a court case.

Explanation using Example

Example 1:

Ravi is a witness in a murder trial in a Sessions Court in Mumbai. During his testimony, he intentionally lies about seeing the accused, Raj, at the crime scene, even though he knows Raj was not there. Ravi's false statement is discovered during cross-examination. Since Ravi gave false evidence during a judicial proceeding, he can be punished with imprisonment for up to seven years and a fine of up to ten thousand rupees under Section 229(1) of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya is involved in a property dispute case in a Civil Court in Delhi. To strengthen her case, she fabricates a false document showing that she purchased the disputed land from the original owner. This document is presented as evidence during the trial. When the court discovers that the document is fake, Priya can be punished with imprisonment for up to seven years and a fine of up to ten thousand rupees under Section 229(1) of The Bharatiya Nyaya Sanhita 2023.

Example 3:

During a police investigation into a theft case, Ramesh, a neighbor of the accused, gives a false statement to the investigating officer, claiming he saw the accused committing the theft. This investigation is a preliminary stage before the case goes to court. When it is later proven that Ramesh lied, he can be punished with imprisonment for up to three years and a fine of up to five thousand rupees under Section 229(2) of The Bharatiya Nyaya Sanhita 2023.

Example 4:

An army officer, Captain Singh, is facing a Court-martial for alleged misconduct. During the trial, another officer, Lieutenant Sharma, intentionally

provides false testimony to protect Captain Singh. Since a Court-martial is considered a judicial proceeding, Lieutenant Sharma can be punished with imprisonment for up to seven years and a fine of up to ten thousand rupees under Section 229(1) of The Bharatiya Nyaya Sanhita 2023.

Example 5:

In a land boundary dispute, the court appoints an officer to conduct an on-site investigation to determine the correct boundaries. During this investigation, one of the landowners, Mr. Kumar, makes a false statement under oath about the boundary lines. Since this investigation is a stage of a judicial proceeding, Mr. Kumar can be punished with imprisonment for up to seven years and a fine of up to ten thousand rupees under Section 229(1) of The Bharatiya Nyaya Sanhita 2023.

Section 230: Giving or fabricating false evidence with intent to procure conviction of capital offence.

(1) Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by the law for the time being in force in India shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine which may extend to fifty thousand rupees.

(2) If an innocent person be convicted and executed in consequence of false evidence referred to in sub-section (1), the person who gives such false evidence shall be punished either with death or the punishment specified in sub-section (1).

Simplified Acts

(1) If someone gives false evidence or makes up false evidence with the intention of getting someone else convicted of a serious crime (one that can lead to the death penalty) under Indian law, they can be punished with life imprisonment or rigorous imprisonment for up to ten years. They can also be fined up to fifty thousand rupees.

(2) If an innocent person is wrongly convicted and executed because of the false evidence mentioned in section (1), the person who provided the false evidence can be punished with either the death penalty or the same punishment as mentioned in section (1).

Explanation using Example

Example 1:

Ravi and Suresh have a long-standing business rivalry. Ravi, wanting to eliminate Suresh from the competition, decides to frame him for a murder. Ravi bribes a witness, Anil, to testify falsely in court that he saw Suresh committing the murder. Anil, knowing that his testimony is false, agrees and provides fabricated evidence. Based on Anil's false testimony, Suresh is convicted of murder, a capital offence in India. Later, it is discovered that Anil's evidence was fabricated. Under Section 230 of The Bharatiya Nyaya Sanhita 2023, Anil can be punished with life imprisonment or rigorous imprisonment for up to ten years, and a fine up to fifty thousand rupees. If Suresh had been executed based on this false evidence, Anil could face the death penalty or the same punishment as mentioned above.

Example 2:

Priya is involved in a property dispute with her neighbor, Meera. To win the case, Priya decides to falsely accuse Meera of a serious crime, such as terrorism, which is a capital offence. Priya convinces her friend, Raj, to create fake documents and provide false testimony in court, claiming that he saw Meera planning a terrorist attack. Raj, aware that his evidence is false, agrees to help Priya. Meera is wrongfully convicted and sentenced to death based on Raj's false evidence. After Meera's execution, it is revealed that the evidence was fabricated. Under Section 230 of The Bharatiya Nyaya Sanhita 2023, Raj can be punished with the death penalty or life imprisonment, or rigorous imprisonment for up to ten years, along with a fine up to fifty thousand rupees.

Section 231: Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment.

Whoever gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by the law for the time being in force in India is not capital, but punishable with imprisonment for life, or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Illustration

A gives false evidence before a Court, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, with or without fine. A, therefore, is liable to imprisonment for life or imprisonment, with or without fine.

Simplified Acts

Whoever gives or makes up false evidence with the intention to cause, or knowing it is likely to cause, any person to be convicted of a crime that is not punishable by death but is punishable by life imprisonment or imprisonment for seven years or more, will be punished as if they were convicted of that crime.

Example

A person named A gives false evidence in court to make another person, Z, be convicted of a serious crime like dacoity (robbery). The punishment for dacoity is life imprisonment or rigorous imprisonment for up to ten years, with or without a fine. Therefore, A can be punished with life imprisonment or imprisonment for up to ten years, with or without a fine.

Explanation using Example

Example 1:

Ravi and Suresh have a long-standing business rivalry. Ravi, wanting to eliminate Suresh from the competition, bribes a witness, Anil, to give false testimony in court. Anil falsely claims that he saw Suresh committing a serious fraud that carries a punishment of life imprisonment. Based on Anil's false evidence, Suresh is wrongfully convicted and sentenced to life imprisonment. Later, it is discovered that Anil's testimony was fabricated. Under Section 231 of the Bharatiya Nyaya Sanhita 2023, Anil can be punished with the same severity as the punishment for the fraud, which is life imprisonment.

Example 2:

Priya is involved in a property dispute with her neighbor, Meena. To win the case, Priya convinces her friend, Raj, to create fake documents and present them as evidence in court. These documents falsely show that Meena had forged signatures to claim ownership of the property, an offense punishable by up to ten years of imprisonment. The court initially convicts Meena based on the fabricated evidence. However, it is later revealed that the documents were

fake. Under Section 231, Raj, who fabricated the false evidence, can be punished with the same severity as the punishment for forgery, which is up to ten years of imprisonment.

Section 232: Threatening any person to give false evidence.

(1) Whoever threatens another with any injury to his person, reputation or property or to the person or reputation of any one in whom that person is interested, with intent to cause that person to give false evidence shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(2) If an innocent person is convicted and sentenced in consequence of false evidence referred to in sub-section (1), with death or imprisonment for more than seven years, the person who threatens shall be punished with the same punishment and sentence in the same manner and to the same extent such innocent person is punished and sentenced.

Simplified Acts

(1) If someone threatens another person with harm to their body, reputation, or property, or to someone they care about, to make them lie in court, they can be sent to prison for up to seven years, fined, or both.

(2) If an innocent person is wrongly convicted and sentenced to death or more than seven years in prison because of the false evidence mentioned in point (1), the person who made the threat will receive the same punishment as the innocent person.

Explanation using Example

Example 1:

Ravi is a businessman who is involved in a legal dispute with another businessman, Suresh, over a property matter. Ravi, wanting to win the case at any cost, threatens Suresh's employee, Anil, with harm to his family if he does not provide false testimony in court stating that Suresh had forged documents. Anil, fearing for his family's safety, agrees to lie in court. According to Section 232 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to seven years, a fine, or both for threatening Anil to give false evidence.

Example 2:

Priya is accused of a crime she did not commit. During the investigation, the real culprit, Rajesh, threatens Priya's friend, Meena, with ruining her reputation by spreading false rumors if she does not testify that Priya was at the crime scene. Meena, scared of the potential damage to her reputation, falsely testifies against Priya. As a result, Priya is wrongfully convicted and sentenced to ten years in prison. Under Section 232(2) of The Bharatiya Nyaya Sanhita 2023, Rajesh, who threatened Meena, will be subject to the same punishment and sentence as Priya, which is ten years of imprisonment.

Section 233: Using evidence known to be false.

Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

Simplified Acts

If someone knowingly uses or tries to use false or fake evidence as if it were real, they will be punished the same way as if they had created or given false evidence.

Explanation using Example

Example 1:

Ravi is involved in a property dispute with his neighbor, Suresh. To strengthen his case, Ravi submits a forged land deed to the court, claiming it as genuine evidence. Ravi knows that the deed is fake, but he hopes it will convince the judge to rule in his favor. Under Section 233 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished for using evidence he knows to be false.

Example 2:

Priya is a witness in a criminal trial where her friend, Anil, is accused of theft. To help Anil, Priya fabricates a false alibi and presents it to the court, claiming that Anil was with her at the time of the theft. Priya is aware that the alibi is false, but she uses it to try to exonerate Anil. Under Section 233 of The Bharatiya Nyaya Sanhita 2023, Priya can be punished for attempting to use false evidence.

Section 234: Issuing or signing false certificate.

Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

Simplified Acts

If someone issues or signs a certificate that is required by law, or a certificate that can be used as evidence in court, and they know or believe that the certificate contains important false information, they will be punished as if they gave false evidence.

Explanation using Example

Example 1:

Dr. Sharma, a licensed medical practitioner, is required by law to issue medical fitness certificates for various purposes, such as employment or insurance claims. Mr. Verma, who is not medically fit, approaches Dr. Sharma and offers him a bribe to issue a false medical fitness certificate stating that he is in perfect health. Dr. Sharma, knowing that Mr. Verma is not fit, issues the certificate anyway. Dr. Sharma can be prosecuted under Section 234 of The Bharatiya Nyaya Sanhita 2023 for issuing a false certificate, as he knowingly signed a document that is false in a material point.

Example 2:

Mr. Gupta, a government official, is responsible for issuing domicile certificates, which are required for various legal and administrative purposes. Ms. Rani, who does not meet the criteria for domicile in the state, requests Mr. Gupta to issue a domicile certificate falsely stating that she is a resident of the state. Mr. Gupta, aware that Ms. Rani does not qualify, issues the certificate anyway. Mr. Gupta can be charged under Section 234 of The Bharatiya Nyaya Sanhita 2023 for signing a false certificate, as he knowingly provided a document that is false in a significant aspect.

Section 235: Using as true a certificate known to be false.

Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Simplified Acts

If someone knowingly uses or tries to use a certificate that is false in an important way, pretending it is real, they will be punished as if they lied under oath.

Explanation using Example

Example 1:

Ravi, a job applicant, submits a fake degree certificate to a company during the hiring process. He knows that the certificate is not genuine, but he uses it to secure a job. The company, believing the certificate to be true, hires him. Later, it is discovered that the certificate is false. Under Section 235 of the Bharatiya Nyaya Sanhita 2023, Ravi can be punished for using a false certificate as if he had given false evidence.

Example 2:

Priya, a contractor, submits a false completion certificate to a government agency to claim payment for a construction project. She is aware that the project is not completed as per the required standards, but she uses the certificate to get the payment released. The agency, trusting the certificate, releases the payment. When the fraud is uncovered, Priya can be prosecuted under Section 235 of the Bharatiya Nyaya Sanhita 2023 for using a false certificate, and she will face the same punishment as if she had provided false evidence.

Section 236: False statement made in declaration which is by law receivable as evidence.

Whoever, in any declaration made or subscribed by him, which declaration any Court or any public servant or other person, is bound or authorised by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

Simplified Acts

If someone makes a statement in a declaration that is meant to be used as evidence in court or by a public servant, and that statement is false,

And if the person knows the statement is false, believes it to be false, or does not believe it to be true,

And the false statement is important to the purpose of the declaration,

Then that person will be punished the same way as if they had given false evidence in court.

Explanation using Example

Example 1:

Ravi is involved in a property dispute case in a civil court in Mumbai. As part of the proceedings, he is required to submit a written declaration about the ownership history of the property. Ravi knowingly includes false information in his declaration, stating that he has been the sole owner of the property for the past 10 years, even though he knows that his brother co-owned the property until 5 years ago. The court relies on this declaration as evidence. Under Section 236 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished for making a false statement in a declaration that is receivable as evidence.

Example 2:

Sunita is applying for a government job and is required to submit a declaration of her educational qualifications to the Public Service Commission. She falsely claims to have a Master's degree in Economics, even though she only has a Bachelor's degree. The Public Service Commission is authorized by law to receive this declaration as evidence of her qualifications. Sunita knows that her statement is false but submits it anyway to improve her chances of getting the job. Under Section 236 of The Bharatiya Nyaya Sanhita 2023, Sunita can be punished for making a false statement in a declaration that is receivable as evidence.

Section 237: Using as true such declaration knowing it to be false.

Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Explanation. - A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of section 236 and this section.

Simplified Acts

If someone knowingly uses or tries to use a false statement as if it were true, they will be punished the same way as if they had lied under oath.

Explanation:

A statement that is not allowed in court just because of a minor mistake is still considered a statement under section 236 and this section.

Explanation using Example

Example 1:

Ravi is involved in a property dispute case. To strengthen his claim, he submits a false affidavit stating that he has been in continuous possession of the property for the last 10 years. Ravi knows that this statement is false because he has only been in possession for 5 years. The court later discovers the falsehood. Under Section 237 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished for using a false declaration as true, similar to the punishment for giving false evidence.

Example 2:

Priya is applying for a government job and needs to submit a character certificate. She obtains a certificate from a local official, falsely stating that she has no criminal record, even though she has a pending case for theft. Priya knowingly uses this false certificate in her job application. When the authorities verify her background and find the false declaration, Priya can be prosecuted under Section 237 of The Bharatiya Nyaya Sanhita 2023 for using a false declaration as true, and she will face the same penalties as if she had given false evidence.

Section 238: Causing disappearance of evidence of offence, or giving false information to screen offender.

Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false shall, -

(a) if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

(b) if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

(c) if the offence is punishable with imprisonment for any term not extending to ten years, be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

Illustration

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

Simplified Acts

If someone knows or has reason to believe that a crime has been committed and then tries to hide any evidence of that crime to protect the person who committed it, or gives false information about the crime, they will face the following punishments:

(a) If the crime they know about is punishable by death, they can be sent to prison for up to seven years and may also have to pay a fine.

(b) If the crime is punishable by life imprisonment or up to ten years in prison, they can be sent to prison for up to three years and may also have to pay a fine.

(c) If the crime is punishable by less than ten years in prison, they can be sent to prison for up to one-fourth of the maximum term for that crime, or they may have to pay a fine, or both.

Example

If A knows that B has murdered Z and helps B hide the body to protect B from getting punished, A can be sent to prison for up to seven years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi witnesses his friend, Suresh, committing a robbery at a local jewelry store. Knowing that robbery is a serious crime punishable with imprisonment for up to ten years, Ravi decides to help Suresh by hiding the stolen jewelry in his own house to prevent the police from finding it. When the police question Ravi, he lies and says he has no knowledge of the robbery. Under Section 238 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to three years and may also be fined for causing the disappearance of evidence and giving false information to screen Suresh from legal punishment.

Example 2:

Priya finds out that her brother, Raj, has committed a hit-and-run accident resulting in the death of a pedestrian. Knowing that such an offence is punishable with imprisonment for life, Priya helps Raj by cleaning the bloodstains from the car and disposing of the damaged parts to make it look like the car was never involved in the accident. When questioned by the police, Priya provides false information, claiming that Raj was at home during the time of the accident. Under Section 238 of The Bharatiya Nyaya Sanhita 2023, Priya can be punished with imprisonment for up to three years and may also be fined for her actions to screen Raj from legal punishment.

Example 3:

Sunita is aware that her colleague, Anil, has committed a minor theft at their workplace, which is punishable with imprisonment for up to two years. To protect Anil, Sunita destroys the CCTV footage that captured the theft. When the management inquires about the missing footage, Sunita lies and says that the CCTV system was malfunctioning. Under Section 238 of The Bharatiya Nyaya Sanhita 2023, Sunita can be punished with imprisonment for up to six months (one-fourth of the maximum term for the theft) and may also be fined for causing the disappearance of evidence and providing false information to screen Anil from legal punishment.

Section 239: Intentional omission to give information of offence by person bound to inform.

Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone knows or has a good reason to believe that a crime has been committed, and

They intentionally do not provide information about that crime, even though they are legally required to do so,

They can be punished with:

Up to six months in jail, or

A fine of up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi, a school teacher, witnesses a serious fight between two students on the school premises. One student, Raj, severely injures the other student, Aman, with a sharp object. Ravi, knowing that such an incident is a criminal offence, decides not to report it to the school authorities or the police, thinking it might bring a bad reputation to the school. Under Section 239 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished for intentionally omitting to give information about the offence he was legally bound to report.

Example 2:

Priya, a bank employee, discovers that her colleague, Suresh, has been embezzling funds from customer accounts. Priya, aware that embezzlement is a criminal offence, chooses not to inform the bank management or the police because Suresh is a close friend. According to Section 239 of The Bharatiya Nyaya Sanhita 2023, Priya can face legal consequences for intentionally failing to report the offence she was legally obligated to disclose.

Section 240: Giving false information respecting an offence committed.

Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation. - In sections 238 and 239 and in this section the word "offence" includes any act committed at any place out of India, which, if committed in India, would be punishable under any of the following sections, namely:

103,

105,

307,

sub-sections (2), (3) and (4) of section 309,

sub-sections (2), (3), (4) and (5) of section 310,

311,

312,

clauses (f) and (g) of section 326,

sub-sections (4), (6), (7) and (8) of section 331,

clauses (a) and (b) of section 332.

Simplified Acts

If someone knows or has a good reason to believe that a crime has been committed and then gives false information about that crime, they can be punished. The punishment can be:

Jail time for up to two years,

A fine,

Or both jail time and a fine.

Explanation: In sections 238, 239, and this section, the word "crime" includes any act done outside of India that would be punishable under the following sections if it were done in India:

Section 103,

Section 105,

Section 307,

Sub-sections (2), (3), and (4) of section 309,

Sub-sections (2), (3), (4), and (5) of section 310,

Section 311,

Section 312,

Clauses (f) and (g) of section 326,

Sub-sections (4), (6), (7), and (8) of section 331,

Clauses (a) and (b) of section 332.

Explanation using Example

Example 1:

Ravi, a resident of Mumbai, dislikes his neighbor, Suresh. To get Suresh into trouble, Ravi goes to the local police station and falsely reports that he saw Suresh stealing a car from the parking lot. Ravi knows that Suresh was at work during the time of the alleged theft and that his report is entirely fabricated. The police investigate and find that Suresh has a solid alibi and that Ravi's report is false. Under Section 240 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to two years, a fine, or both for giving false information about an offence.

Example 2:

Priya, a college student in Delhi, is upset with her classmate, Anjali, over a personal dispute. In retaliation, Priya calls the police and falsely claims that Anjali is involved in drug trafficking. Priya knows that Anjali has no involvement in any such activities and that her accusation is baseless. The police conduct an investigation and find no evidence to support Priya's claim. Priya's act of providing false information about an offence can lead to her being punished under Section 240 of The Bharatiya Nyaya Sanhita 2023, with imprisonment for up to two years, a fine, or both.

Example 3:

Amit, a businessman in Bangalore, is in a legal dispute with his competitor, Rajesh. To gain an advantage, Amit falsely informs the police that Rajesh has been involved in embezzling funds from a government project. Amit is aware that Rajesh has not committed any such crime and that his information is false. The police investigate and find no evidence of embezzlement by Rajesh. Amit's false report can result in his punishment under Section 240 of The

Bharatiya Nyaya Sanhita 2023, with imprisonment for up to two years, a fine, or both.

Section 241: Destruction of document or electronic record to prevent its production as evidence.

Whoever secretes or destroys any document or electronic record which he may be lawfully compelled to produce as evidence in a Court or in any proceeding lawfully held before a public servant, as such, or obliterates or renders illegible the whole or any part of such document or electronic record with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone hides or destroys any document or electronic record that they are legally required to show as evidence in a court or in any official proceeding, or if they make it unreadable or erase any part of it with the intention of stopping it from being used as evidence, they can be punished.

This applies even if they have been officially asked or summoned to produce the document or record.

The punishment for this can be:

Up to three years in prison, or

A fine of up to five thousand rupees, or

Both imprisonment and a fine.

Explanation using Example

Example 1:

Ravi is a manager at a company and is involved in a legal dispute with a former employee, Sita, who has filed a case of wrongful termination against the company. The court has lawfully summoned Ravi to produce certain emails exchanged between him and Sita as evidence. Fearing that the emails might

strengthen Sita's case, Ravi deletes the emails from the company's server and also destroys the backup copies. When the court finds out that Ravi intentionally destroyed the emails to prevent them from being used as evidence, Ravi is charged under Section 241 of The Bharatiya Nyaya Sanhita 2023. He faces imprisonment for up to three years, a fine of up to five thousand rupees, or both.

Example 2:

Priya is a government contractor and is under investigation for alleged corruption in a public project. The investigating officer lawfully requires Priya to produce her financial records, including bank statements and transaction details, as evidence. Priya, knowing that these records could incriminate her, decides to delete the electronic records from her computer and also burns the physical copies. When the investigating officer discovers that Priya has destroyed these documents to prevent their use as evidence, she is charged under Section 241 of The Bharatiya Nyaya Sanhita 2023. Priya could be sentenced to imprisonment for up to three years, fined up to five thousand rupees, or both.

Section 242: False personation for purpose of act or proceeding in suit or prosecution.

Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Simplified Acts

If someone pretends to be another person and, while pretending, does any of the following:

Makes any admission or statement

Confesses to a judgment

Causes any legal process to be issued

Becomes bail or security for someone

Does any other act in a lawsuit or criminal case

They can be punished with:

Up to three years in prison

A fine

Or both prison and a fine

Explanation using Example

Example 1:

Ravi, a resident of Delhi, is involved in a property dispute with his neighbor. To strengthen his case, Ravi decides to impersonate his neighbor, Suresh, in court. Ravi, pretending to be Suresh, makes a false statement admitting that the property in question belongs to Ravi. This false personation and the subsequent false statement made in court can lead to Ravi being punished under Section 242 of The Bharatiya Nyaya Sanhita 2023, with imprisonment for up to three years, a fine, or both.

Example 2:

Priya is accused of theft and is facing a criminal trial. Her friend, Anjali, decides to help her by impersonating a key witness, Ramesh, who is supposed to testify against Priya. Anjali, pretending to be Ramesh, gives a false testimony in court stating that Priya was not present at the scene of the crime. This act of false personation and giving a false statement in a criminal prosecution can result in Anjali being punished under Section 242 of The Bharatiya Nyaya Sanhita 2023, with imprisonment for up to three years, a fine, or both.

Section 243: Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution.

Whoever fraudulently removes, conceals, transfers or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a Court or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court in a civil suit, shall be punished with

imprisonment of either description for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone tries to hide, move, or give away any property or interest in property in a dishonest way, with the intention of stopping it from being taken away as a penalty or to pay a fine, after a court has given a sentence or if they know a court is likely to give a sentence, or to stop it from being taken to fulfill a court order in a civil case, they can be punished.

The punishment can be:

Up to three years in prison, or

A fine up to five thousand rupees, or

Both prison and a fine.

Explanation using Example

Example 1:

Ravi owns a piece of land in Delhi. He is aware that a court case is ongoing, and there is a high likelihood that the court will order the land to be seized to satisfy a debt he owes. To prevent this, Ravi transfers the ownership of the land to his brother, Suresh, without any actual sale or exchange of money. This transfer is done solely to avoid the land being taken by the court. Under Section 243 of The Bharatiya Nyaya Sanhita 2023, Ravi's actions constitute fraudulent removal or concealment of property to prevent its seizure, and he can be punished with imprisonment for up to three years, a fine of up to five thousand rupees, or both.

Example 2:

Meena runs a small business in Mumbai and has been fined by the court for violating certain regulations. She knows that the court is likely to seize her business assets to satisfy the fine. To avoid this, Meena secretly transfers her business inventory to a friend's warehouse and falsifies records to show that the inventory was sold. This act of concealing the property to prevent it from being taken by the court is a violation of Section 243 of The Bharatiya Nyaya Sanhita 2023. Meena can face imprisonment for up to three years, a fine of up to five thousand rupees, or both for her fraudulent actions.

Example 3:

Arjun is involved in a civil lawsuit where the court is likely to order the seizure of his luxury car to settle a financial dispute. Knowing this, Arjun quickly sells the car to his cousin at a very low price, with the understanding that the cousin will return the car to him after the court proceedings are over. This sale is a sham transaction intended to prevent the car from being taken in execution of the court's decree. Under Section 243 of The Bharatiya Nyaya Sanhita 2023, Arjun's actions are considered fraudulent, and he can be punished with imprisonment for up to three years, a fine of up to five thousand rupees, or both.

Example 4:

Priya is aware that the court is likely to pronounce a sentence that includes the forfeiture of her gold jewelry due to her involvement in a financial scam. To avoid losing her jewelry, Priya hides it at her friend's house and tells the court that she no longer possesses any valuable assets. This act of concealing her property to prevent its seizure is a violation of Section 243 of The Bharatiya Nyaya Sanhita 2023. Priya can be punished with imprisonment for up to three years, a fine of up to five thousand rupees, or both for her fraudulent concealment.

Section 244: Fraudulent claim to property to prevent its seizure as forfeited or in execution.

Whoever fraudulently accepts, receives or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practises any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone knowingly takes, receives, or claims any property or interest in property that they have no right to, or if they deceive others about their right to any property or interest in property, with the intention of preventing that property from being taken away as a penalty or to pay a fine under a court sentence, or to stop it from being taken to satisfy a court order in a civil case, they can be punished.

The punishment for this can be:

Up to two years in prison, or

A fine, or

Both prison and a fine.

Explanation using Example

Example 1:

Ravi is aware that his uncle's property is under a court order to be seized due to unpaid debts. To prevent the property from being taken, Ravi falsely claims that the property was gifted to him by his uncle before the court order. He even produces a fake gift deed to support his claim. By doing this, Ravi is fraudulently claiming the property to prevent its lawful seizure, which is punishable under Section 244 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Meena's jewelry is about to be seized by the court to satisfy a fine imposed on her. To avoid this, Meena convinces her friend, Priya, to falsely claim that the jewelry belongs to her. Priya submits a false affidavit to the court, stating that the jewelry was given to her by her grandmother. This act of deception to prevent the jewelry from being taken as forfeiture is a violation of Section 244 of The Bharatiya Nyaya Sanhita 2023, and both Meena and Priya can be punished under this section.

Section 245: Fraudulently suffering decree for sum not due.

Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due or for a larger sum than is due to such person or for any property or interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of

which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustration

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this section.

Simplified Acts

Whoever tricks or allows a court decision or order to be made against them in a lawsuit for money they don't owe, or for more money than they owe, or for property or interest in property that the other person isn't entitled to, or tricks or allows a court decision or order to be carried out against them after it has already been settled, or for anything that has already been settled, will be punished with up to two years in prison, or a fine, or both.

Example

A files a lawsuit against Z. Z, knowing that A is likely to win the case, tricks the court into making a judgment against him for a larger amount in a lawsuit by B, who has no real claim against him. This is done so that B, either for himself or to help Z, can get a share of the money from the sale of Z's property that might happen because of A's lawsuit. Z has committed a crime under this section.

Explanation using Example

Example 1:

Ravi owes Rs. 50,000 to his friend Suresh. However, Ravi conspires with another friend, Rajesh, to create a fake debt. Rajesh files a lawsuit against Ravi claiming that Ravi owes him Rs. 1,00,000. Ravi does not contest the lawsuit and allows the court to pass a decree in favor of Rajesh for Rs. 1,00,000. The plan is for Rajesh to share the money with Ravi after collecting it through the court's order. Ravi has committed an offence under Section 245 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya has a pending court case where she is likely to lose Rs. 2,00,000 to her business partner, Anjali. To avoid paying Anjali, Priya colludes with her cousin, Ramesh. Ramesh files a lawsuit against Priya claiming that she owes him Rs. 3,00,000. Priya does not defend herself in this case, and the court passes a decree in favor of Ramesh. After the decree, Ramesh and Priya plan to share the money collected from the sale of Priya's property. Priya has committed an offence under Section 245 of The Bharatiya Nyaya Sanhita 2023.

Section 246: Dishonestly making false claim in Court.

Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a Court any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Simplified Acts

If someone lies or makes a false claim in court on purpose to cheat, harm, or bother someone else, they can be punished.

The punishment can be up to two years in jail.

They may also have to pay a fine.

Explanation using Example

Example 1:

Ravi and Suresh are neighbors who have had a long-standing dispute over a piece of land. Ravi, wanting to cause trouble for Suresh, files a lawsuit in court claiming that the land belongs to him, even though he knows that the land legally belongs to Suresh. Ravi presents false documents and makes false statements under oath to support his claim. The court, upon investigation, finds that Ravi's claim is entirely false and that he made the claim with the intent to annoy and injure Suresh. Under Section 246 of The Bharatiya Nyaya Sanhita 2023, Ravi is found guilty of dishonestly making a false claim in court and is sentenced to one year of imprisonment and a fine of ₹50,000.

Example 2:

Priya, a businesswoman, has a financial dispute with her former business partner, Anil. To get back at Anil, Priya files a lawsuit claiming that Anil owes her ₹10 lakhs, even though she knows that Anil has already repaid the amount in full. Priya submits forged receipts and false testimony to support her claim. During the trial, it is revealed that Priya's claim is baseless and that she made the false claim to harm Anil's reputation and cause him financial distress. The court convicts Priya under Section 246 of The Bharatiya Nyaya Sanhita 2023 for dishonestly making a false claim in court. She is sentenced to six months of imprisonment and a fine of ₹1 lakh.

Section 247: Fraudulently obtaining decree for sum not due.

Whoever fraudulently obtains a decree or order against any person for a sum not due, or for a larger sum than is due or for any property or interest in property to which he is not entitled, or fraudulently causes a decree or order to be executed against any person after it has been satisfied or for anything in respect of which it has been satisfied, or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone tricks the court into giving them a judgment or order against another person for money that isn't owed, or for more money than is owed, or for property or rights to property they don't deserve, they are breaking the law.

If someone makes the court enforce a judgment or order against another person after it has already been settled, or for something that has already been resolved, they are breaking the law.

If someone allows or lets any of these fraudulent actions to be done in their name, they are breaking the law.

Anyone who does any of these things can be punished with up to two years in prison, a fine, or both.

Explanation using Example

Example 1:

Ravi owed Rs. 10,000 to his friend Suresh. However, Suresh, wanting to extract more money, fraudulently filed a case in court claiming that Ravi owed him Rs. 50,000. Suresh presented fake documents and false witnesses to support his claim. The court, believing Suresh's fraudulent evidence, issued a decree ordering Ravi to pay Rs. 50,000. Later, Ravi discovered the fraud and reported it to the authorities. Under Section 247 of The Bharatiya Nyaya Sanhita 2023, Suresh could be punished with imprisonment for up to two years, a fine, or both for fraudulently obtaining a decree for a sum not due.

Example 2:

Priya had a property dispute with her neighbor, Anil. The court ruled in favor of Priya, and Anil was ordered to transfer a small piece of land to her. After the decree was satisfied and the land was transferred, Priya, wanting more land, fraudulently filed another case claiming that Anil had not complied with the court's order. She presented false evidence to support her claim. The court, unaware of the previous satisfaction of the decree, issued another order against Anil. Anil, upon discovering the fraud, reported it. Under Section 247 of The Bharatiya Nyaya Sanhita 2023, Priya could be punished with imprisonment for up to two years, a fine, or both for fraudulently causing a decree to be executed after it had been satisfied.

Section 248: False charge of offence made with intent to injure.

Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, -

(a) shall be punished with imprisonment of either description for a term which may extend to five years, or with fine which may extend to two lakh rupees, or with both;

(b) if such criminal proceeding be instituted on a false charge of an offence punishable with death, imprisonment for life, or imprisonment for ten years or upwards, shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

If someone tries to harm another person by starting a criminal case against them or falsely accusing them of a crime, knowing that there is no real reason for such a case or accusation, -

(a) they can be punished with up to five years in jail, or a fine up to two lakh rupees, or both;

(b) if the false accusation is for a crime that could lead to the death penalty, life imprisonment, or at least ten years in jail, they can be punished with up to ten years in jail and also have to pay a fine.

Explanation using Example

Example 1:

Ravi and Suresh are business competitors in the same locality. Ravi, wanting to ruin Suresh's reputation and business, decides to falsely accuse Suresh of theft. Ravi goes to the police and files a complaint stating that Suresh stole valuable equipment from his shop, knowing fully well that Suresh did not commit the theft. The police, acting on Ravi's false complaint, arrest Suresh and initiate criminal proceedings against him. Later, it is discovered that Ravi's accusations were baseless and made with the intent to harm Suresh. Under Section 248 of the Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to five years, a fine up to two lakh rupees, or both.

Example 2:

Anita and Priya are neighbors who have had several disputes over property boundaries. In an attempt to get back at Priya, Anita falsely accuses Priya of committing murder, a crime punishable with death or life imprisonment. Anita goes to the police and provides false evidence to support her claim, knowing that Priya is innocent. The police arrest Priya and start criminal proceedings based on Anita's false charge. Eventually, it is revealed that Anita fabricated the entire story to cause harm to Priya. According to Section 248 of the Bharatiya Nyaya Sanhita 2023, Anita can be punished with imprisonment for up to ten years and will also be liable to pay a fine.

Section 249: Harboursing offender.

Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment shall, -

(a) if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine;

(b) if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

(c) if the offence is punishable with imprisonment which may extend to one year, and not to ten years, be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Explanation

"Offence" in this section includes any act committed at any place out of India, which, if committed in India, would be punishable under any of the following sections, namely 103, 105, 307, sub-sections (2), (3) and (4) of section 309, sub-sections (2), (3), (4) and (5) of section 310, 311, 312, clauses (f) and (g) of section 326, sub-sections (4), (6), (7) and (8) of section 331, clauses (a) and (b) of section 332 and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in India.

Exception

This section shall not extend to any case in which the harbour or concealment is by the spouse of the offender.

Illustration

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here, as B is liable to imprisonment for life, A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

Simplified Acts

Whenever a crime has been committed, anyone who hides or helps a person they know or believe to be the criminal, with the intention of protecting them from legal punishment, will face the following consequences:

(a) If the crime is punishable by death, the person hiding the criminal can be imprisoned for up to five years and may also have to pay a fine.

(b) If the crime is punishable by life imprisonment or imprisonment up to ten years, the person hiding the criminal can be imprisoned for up to three years and may also have to pay a fine.

(c) If the crime is punishable by imprisonment for up to one year but not more than ten years, the person hiding the criminal can be imprisoned for up to one-fourth of the maximum term of imprisonment for that crime, or may have to pay a fine, or both.

Explanation

"Crime" in this section includes any act committed outside of India, which, if committed in India, would be punishable under any of the following sections: 103, 105, 307, sub-sections (2), (3), and (4) of section 309, sub-sections (2), (3), (4), and (5) of section 310, 311, 312, clauses (f) and (g) of section 326, sub-sections (4), (6), (7), and (8) of section 331, clauses (a) and (b) of section 332. For the purposes of this section, such acts will be treated as if the person had committed them in India.

Exception

This section does not apply if the person hiding or helping the criminal is their spouse.

Illustration

A knows that B has committed a serious robbery and hides B to protect them from being punished. Since B could be sentenced to life imprisonment, A could be imprisoned for up to three years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi knows that his friend, Suresh, has committed a murder, which is punishable by death under Indian law. Suresh comes to Ravi's house seeking refuge. Ravi, aware of Suresh's crime, decides to hide him in his house to

protect him from being arrested by the police. In this scenario, Ravi is harbouring an offender who has committed an offence punishable by death. According to Section 249 of the Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to five years and may also be liable to pay a fine.

Example 2:

Priya is aware that her cousin, Anil, has committed a serious fraud, which is punishable with imprisonment for up to ten years. Anil asks Priya to let him stay at her place to avoid being caught by the authorities. Priya agrees and hides Anil in her house. Here, Priya is harbouring an offender who has committed an offence punishable with imprisonment for up to ten years. Under Section 249, Priya can be punished with imprisonment for up to three years and may also be liable to pay a fine.

Example 3:

Sunita knows that her neighbor, Raj, has committed a minor theft, which is punishable with imprisonment for up to one year. Raj requests Sunita to hide him in her house to evade the police. Sunita agrees and conceals Raj in her home. In this case, Sunita is harbouring an offender who has committed an offence punishable with imprisonment for up to one year. According to Section 249, Sunita can be punished with imprisonment for up to three months (one-fourth of the maximum term of one year) or with a fine, or both.

Example 4:

Arjun is aware that his brother, Vikram, has committed a crime outside India that, if committed in India, would be punishable under Section 307 (attempt to murder) of the Indian Penal Code. Vikram returns to India and asks Arjun to hide him. Arjun agrees and conceals Vikram in his house. Here, Arjun is harbouring an offender who has committed an offence that would be punishable in India. Under Section 249, Arjun can be punished as if Vikram had committed the crime in India, which could result in imprisonment and a fine.

Example 5:

Meera knows that her husband, Ramesh, has committed a robbery, which is punishable with imprisonment for life. Ramesh asks Meera to hide him in their house to avoid being caught by the police. Meera agrees and conceals Ramesh. In this scenario, although Meera is harbouring an offender, she is exempt from

punishment under Section 249 because the section does not extend to cases where the harbouring or concealment is done by the spouse of the offender.

Section 250: Taking gift, etc., to screen an offender from punishment.

Whoever accepts or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment shall,--

(a) if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

(b) if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

(c) if the offence is punishable with imprisonment not extending to ten years, be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Simplified Acts

If someone accepts, tries to get, or agrees to accept any kind of reward or return of property for themselves or someone else in exchange for:

Hiding a crime,

Protecting someone from being punished for a crime, or

Not taking action to punish someone for a crime,

they will face the following punishments:

(a) If the crime can be punished by death, they can be sent to prison for up to seven years and may also have to pay a fine.

(b) If the crime can be punished by life imprisonment or up to ten years in prison, they can be sent to prison for up to three years and may also have to pay a fine.

(c) If the crime can be punished by less than ten years in prison, they can be sent to prison for up to one-fourth of the maximum term for that crime, or they may have to pay a fine, or both.

Explanation using Example

Example 1:

Ravi, a local businessman, witnesses a murder in his neighborhood. The murderer, Rajesh, approaches Ravi and offers him ₹10 lakh to not report the crime to the police. Ravi accepts the money and agrees to keep quiet about the murder. According to Section 250 of The Bharatiya Nyaya Sanhita 2023, Ravi is guilty of taking a gift to screen an offender from punishment. Since the offence (murder) is punishable with death, Ravi could be punished with imprisonment for up to seven years and a fine.

Example 2:

Priya, a government official, discovers that her colleague, Suresh, has embezzled ₹50 lakh from public funds. Suresh offers Priya a new car worth ₹15 lakh to not report the embezzlement. Priya agrees and accepts the car. Under Section 250 of The Bharatiya Nyaya Sanhita 2023, Priya is guilty of accepting a gift to screen an offender from punishment. Since embezzlement of this magnitude could be punishable with imprisonment for life or up to ten years, Priya could be punished with imprisonment for up to three years and a fine.

Example 3:

Anil, a shop owner, catches his employee, Sunil, stealing goods worth ₹5,000 from the shop. Sunil begs Anil not to report him to the police and offers Anil ₹2,000 as compensation. Anil accepts the money and decides not to report the theft. According to Section 250 of The Bharatiya Nyaya Sanhita 2023, Anil is guilty of accepting gratification to screen an offender from punishment. Since the theft is punishable with imprisonment not extending to ten years, Anil could be punished with imprisonment for up to one-fourth of the longest term of imprisonment provided for the offence, or with a fine, or with both.

Section 251: Offering gift or restoration of property in consideration of screening offender.

Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or restores or causes the restoration of any property to any person, in consideration of that person's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment shall,--

(a) if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

(b) if the offence is punishable with imprisonment for life or with imprisonment which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

(c) if the offence is punishable with imprisonment not extending to ten years, be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Exception

The provisions of this section and section 250 do not extend to any case in which the offence may lawfully be compounded.

Simplified Acts

If someone gives, offers to give, or agrees to give any reward or returns any property to another person in exchange for that person hiding a crime, protecting someone from legal punishment, or not taking legal action against someone, they will face the following punishments:

(a) If the hidden crime is punishable by death, the person will be imprisoned for up to seven years and may also have to pay a fine.

(b) If the hidden crime is punishable by life imprisonment or up to ten years in prison, the person will be imprisoned for up to three years and may also have to pay a fine.

(c) If the hidden crime is punishable by less than ten years in prison, the person will be imprisoned for up to one-fourth of the maximum term for that crime, or may have to pay a fine, or both.

Exception

This rule and section 250 do not apply if the crime can be legally settled between the parties involved.

Explanation using Example

Example 1:

Ravi, a businessman, discovers that his employee, Suresh, has embezzled a significant amount of money from the company. Instead of reporting Suresh to the police, Ravi offers Suresh a deal: if Suresh returns the stolen money and promises not to repeat the offense, Ravi will not report the crime to the authorities. Suresh agrees and returns the money. In this scenario, Ravi is guilty under Section 251 of the Bharatiya Nyaya Sanhita 2023 for offering the restoration of property (the stolen money) in consideration of concealing the offense (embezzlement).

Example 2:

Priya witnesses her neighbor, Raj, committing a serious assault that could lead to a lengthy prison sentence. Raj, fearing legal consequences, offers Priya a substantial amount of money to keep quiet and not report the incident to the police. Priya accepts the money and does not report the crime. In this case, Raj is guilty under Section 251 of the Bharatiya Nyaya Sanhita 2023 for offering gratification (money) to Priya in consideration of her concealing the offense (assault).

Example 3:

Anil, a shop owner, catches his employee, Sunil, stealing goods from the store. Instead of taking legal action, Anil tells Sunil that he will not report the theft if Sunil agrees to work extra hours without pay for the next six months. Sunil agrees to the arrangement. Here, Anil is guilty under Section 251 of the Bharatiya Nyaya Sanhita 2023 for offering a form of gratification (not reporting the theft) in exchange for Sunil's free labor, which is a form of concealing the offense.

Example 4:

Meena, a government official, is aware that her colleague, Ramesh, has been accepting bribes. To protect Ramesh from legal consequences, Meena offers to give him a portion of her own salary if he agrees to keep quiet about his activities and not report him to their superiors. Ramesh accepts the offer. In this situation, Meena is guilty under Section 251 of the Bharatiya Nyaya Sanhita 2023 for offering gratification (a portion of her salary) to Ramesh in consideration of screening him from legal punishment for accepting bribes.

Section 252: Taking gift to help to recover stolen property, etc.

Whoever takes or agrees or consents to take any gratification under pretence or on account of helping any person to recover any movable property of which he shall have been deprived by any offence punishable under this Sanhita, shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone takes or agrees to take any reward for pretending to help or actually helping someone get back their stolen property, and if they do not do everything they can to catch and convict the thief, they can be punished with up to two years in jail, a fine, or both.

Explanation using Example

Example 1:

Ravi's motorcycle was stolen from outside his house. He reported the theft to the police, but there was no progress in the investigation. A few days later, a man named Suresh approached Ravi and claimed that he could help recover the stolen motorcycle. Suresh demanded ₹10,000 as a "fee" for his assistance. Ravi, desperate to get his motorcycle back, agreed and paid the amount. However, Suresh made no effort to inform the police or help apprehend the thief. In this scenario, Suresh could be charged under Section 252 of The Bharatiya Nyaya Sanhita 2023 for taking a gift under the pretense of helping to recover stolen property without using all means to catch the offender.

Example 2:

Priya's expensive jewelry was stolen during a burglary at her home. She filed a complaint with the local police station. A few days later, a neighbor named Anil approached Priya and said he had connections with some influential people who could help recover her jewelry. Anil asked for ₹50,000 as a "service charge" for his help. Priya, eager to get her jewelry back, agreed and paid the amount. Anil did not take any steps to inform the police or assist in catching the burglar. In this case, Anil could be prosecuted under Section 252 of The Bharatiya Nyaya Sanhita 2023 for accepting gratification under the pretense of helping to recover stolen property without making efforts to apprehend the offender.

Section 253: Harboursing offender who has escaped from custody or whose apprehension has been ordered.

Whenever any person convicted of or charged with an offence, being in lawful custody for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following, namely:--

(a) if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

(b) if the offence is punishable with imprisonment for life or imprisonment for ten years, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine;

(c) if the offence is punishable with imprisonment which may extend to one year and not to ten years, he shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence, or with fine, or with both.

Explanation. - "Offence" in this section includes also any act or omission of which a person is alleged to have been guilty out of India, which, if he had been guilty of it in India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be

apprehended or detained in custody in India, and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in India.

Exception. - The provisions of this section do not extend to the case in which the harbour or concealment is by the spouse of the person to be apprehended.

Simplified Acts

Whenever someone who has been convicted or charged with a crime escapes from lawful custody, or when a public servant orders someone to be arrested for a crime, anyone who knows about the escape or arrest order and hides or helps that person to avoid being caught will be punished as follows:

(a) If the crime the person was in custody for or is being arrested for is punishable by death, the person helping them will be punished with up to seven years in prison and may also have to pay a fine.

(b) If the crime is punishable by life imprisonment or up to ten years in prison, the person helping them will be punished with up to three years in prison, with or without a fine.

(c) If the crime is punishable by up to one year but not more than ten years in prison, the person helping them will be punished with up to one-fourth of the maximum prison term for that crime, or with a fine, or both.

Explanation. - "Crime" in this section also includes any act or failure to act that someone is accused of outside India, which would be punishable as a crime if it had happened in India. If the person can be arrested or detained in India under any extradition law or otherwise, it will be treated as if the crime happened in India for the purposes of this section.

Exception. - This section does not apply if the person hiding or helping the person to avoid being caught is their spouse.

Explanation using Example

Example 1:

Ravi is a notorious criminal who has been convicted of murder, an offence punishable with death. While being transported to the court, Ravi manages to escape from police custody. Ravi's friend, Suresh, knowing that Ravi has escaped and is wanted by the police, decides to hide him in his house to prevent his capture. Under Section 253 of The Bharatiya Nyaya Sanhita 2023,

Suresh can be punished with imprisonment for up to seven years and may also be liable to pay a fine for harbouring Ravi.

Example 2:

Priya is accused of committing a serious fraud, an offence punishable with imprisonment for up to ten years. The police have issued an order for her apprehension. Priya's cousin, Anil, is aware of the police order but still decides to help her by providing a safe place to stay and giving her money to evade arrest. According to Section 253 of The Bharatiya Nyaya Sanhita 2023, Anil can be punished with imprisonment for up to three years and may also be fined for harbouring Priya.

Example 3:

Sunil is charged with a minor theft, an offence punishable with imprisonment for up to two years. He escapes from police custody while being taken to the court. His friend, Raj, knowing about Sunil's escape, allows him to stay at his house to avoid being caught by the police. Under Section 253 of The Bharatiya Nyaya Sanhita 2023, Raj can be punished with imprisonment for up to six months (one-fourth of the maximum term of two years) or with a fine, or both, for harbouring Sunil.

Example 4:

Meena is accused of a crime committed outside India, which, if committed in India, would be punishable with imprisonment for up to five years. She is wanted in India under an extradition treaty. Meena's brother, knowing about the extradition order, helps her by hiding her in his house. According to Section 253 of The Bharatiya Nyaya Sanhita 2023, Meena's brother can be punished with imprisonment for up to one year and three months (one-fourth of the maximum term of five years) or with a fine, or both, for harbouring Meena.

Example 5:

Ajay is accused of a crime and is ordered to be apprehended by the police. His wife, knowing about the order, hides him in their home to prevent his arrest. According to the exception in Section 253 of The Bharatiya Nyaya Sanhita 2023, Ajay's wife will not be punished for harbouring him, as the provisions of this section do not extend to the spouse of the person to be apprehended.

Section 254: Penalty for harbouring robbers or dacoits.

Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity, or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Explanation

For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without India.

Exception

The provisions of this section do not extend to the case in which the harbour is by the spouse of the offender.

Simplified Acts

If someone knows or has reason to believe that certain people are about to commit or have recently committed robbery or dacoity (a type of armed robbery involving a group), and they help hide these people or assist them in any way to commit the crime or avoid getting caught, they can be punished. The punishment can be up to seven years in prison and may also include a fine.

Explanation

It doesn't matter if the robbery or dacoity is planned or has happened inside or outside of India.

Exception

This rule does not apply if the person helping to hide the offenders is their spouse.

Explanation using Example

Example 1:

Ravi is a shopkeeper in a small town in India. One evening, his cousin, Arjun, comes to his shop looking very nervous and asks Ravi if he can stay in the back room for a few days. Ravi knows that Arjun has been involved in criminal

activities before and suspects that he might have committed a robbery recently. Despite his suspicions, Ravi allows Arjun to stay in the back room and even provides him with food and shelter. A few days later, the police raid Ravi's shop and arrest Arjun for a recent robbery. Ravi is also arrested and charged under Section 254 of The Bharatiya Nyaya Sanhita 2023 for harbouring a robber, as he had reason to believe that Arjun had committed a robbery and still provided him shelter.

Example 2:

Meena lives in a village near the border of India. One night, a group of men knock on her door and ask for shelter. They tell her that they are travelers, but Meena recognizes one of them from a recent news report about a dacoity in a nearby town. Despite knowing this, she allows them to stay in her house and even helps them hide from the police. When the police eventually find the men in Meena's house, she is arrested and charged under Section 254 of The Bharatiya Nyaya Sanhita 2023 for harbouring dacoits, as she knew or had reason to believe that they had committed a dacoity and still provided them shelter.

Example 3:

Rajesh is a taxi driver in a metropolitan city in India. One night, he picks up a passenger who offers him a large sum of money to drive him to a remote location. During the ride, the passenger confesses that he has just committed a robbery and needs to escape the city. Rajesh, tempted by the money, agrees to help the passenger and drives him to the remote location. Later, the police track down Rajesh and arrest him for aiding the robber. Rajesh is charged under Section 254 of The Bharatiya Nyaya Sanhita 2023 for harbouring a robber, as he had reason to believe that the passenger had committed a robbery and still helped him escape.

Example 4:

Sita is married to Ramesh, who is involved in criminal activities. One day, Ramesh comes home and tells Sita that he has just committed a dacoity and needs to hide. Sita, being his spouse, allows him to stay in their house and helps him avoid the police. When the police eventually find Ramesh, Sita is not charged under Section 254 of The Bharatiya Nyaya Sanhita 2023 because the exception in the section states that the provisions do not extend to the case in which the harbour is by the spouse of the offender.

Section 255: Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.

Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If a public servant (someone who works for the government) knowingly does not follow the law about how they should behave in their job, and they do this to:

Help someone avoid legal punishment, or

Make sure someone gets a lighter punishment than they deserve, or

Save any property from being taken away or charged by law,

Then, that public servant can be punished with:

Up to two years in prison, or

A fine, or

Both prison and a fine.

Explanation using Example

Example 1:

Scenario: A police officer, Rajesh, is investigating a theft case. During the investigation, he discovers that his close friend, Suresh, is the main suspect. According to the law, Rajesh is required to collect and submit all evidence to the court. However, Rajesh decides to hide some crucial evidence that directly implicates Suresh in the theft, intending to save him from legal punishment.

Application of Section 255: Rajesh, being a public servant, knowingly disobeys the legal direction to submit all evidence, with the intent to save Suresh from punishment. This act makes Rajesh liable under Section 255 of The Bharatiya

Nyaya Sanhita 2023, and he can be punished with imprisonment for up to two years, or with a fine, or both.

Example 2:

Scenario: An income tax officer, Priya, is conducting an audit of a large corporation. During the audit, she finds that the corporation has committed significant tax evasion, which would normally result in a substantial fine and forfeiture of assets. However, the corporation's CEO offers Priya a bribe to overlook the discrepancies. Priya accepts the bribe and falsifies the audit report to show that the corporation's finances are in order, thereby saving the corporation from forfeiture and legal charges.

Application of Section 255: Priya, being a public servant, knowingly disobeys the legal direction to conduct a truthful audit, with the intent to save the corporation from forfeiture and legal charges. This act makes Priya liable under Section 255 of The Bharatiya Nyaya Sanhita 2023, and she can be punished with imprisonment for up to two years, or with a fine, or both.

Section 256: Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture.

Whoever, being a public servant, and being as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Simplified Acts

If a public servant (someone who works for the government) is responsible for creating any official record or document, and they make that record or document incorrect on purpose, knowing it is wrong, they can be punished.

This applies if they do it with the intention to:

Cause harm or loss to the public or any person.

Help someone avoid legal punishment.

Prevent any property from being taken away or charged as required by law.

The punishment for this can be:

Up to three years in prison.

A fine.

Or both prison and a fine.

Explanation using Example

Example 1:

Ravi is a government clerk responsible for maintaining land records in a rural district. His friend, Suresh, is facing legal action for illegally occupying government land. To help Suresh avoid punishment, Ravi deliberately alters the land records to show that the land belongs to Suresh's family. This act of falsifying official records to save Suresh from legal consequences falls under Section 256 of The Bharatiya Nyaya Sanhita 2023. Ravi, being a public servant, knowingly framed an incorrect record with the intent to save Suresh from punishment, making him liable for imprisonment or a fine.

Example 2:

Priya is a police officer in charge of preparing investigation reports. During an investigation, she discovers that her cousin, Anil, is involved in a theft case. To protect Anil from being prosecuted, Priya intentionally writes a false report stating that Anil was not present at the crime scene. By doing so, she aims to save Anil from legal punishment. This act of creating an incorrect official document to protect a person from punishment is a violation of Section 256 of The Bharatiya Nyaya Sanhita 2023. Priya, as a public servant, knowingly framed an incorrect writing with the intent to save Anil, making her subject to imprisonment or a fine.

Example 3:

Sunita is a tax officer responsible for auditing financial records of businesses. During an audit, she finds that a company owned by her friend, Rajesh, has committed tax evasion. To prevent Rajesh's property from being seized by the government, Sunita intentionally prepares an incorrect audit report showing that the company's finances are in order. This act of falsifying official records to

save Rajesh's property from forfeiture is covered under Section 256 of The Bharatiya Nyaya Sanhita 2023. Sunita, being a public servant, knowingly framed an incorrect record with the intent to save Rajesh's property, making her liable for imprisonment or a fine.

Example 4:

Amit is a municipal officer responsible for issuing building permits. His brother, Vinay, constructs a building without the necessary permits and faces the risk of demolition. To protect Vinay's property, Amit creates a backdated permit and enters it into the official records. This act of creating an incorrect official document to save Vinay's property from legal action is a breach of Section 256 of The Bharatiya Nyaya Sanhita 2023. Amit, as a public servant, knowingly framed an incorrect record with the intent to save Vinay's property, making him subject to imprisonment or a fine.

Section 257: Public servant in judicial proceeding corruptly making report, etc., contrary to law.

Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Simplified Acts

If a public servant (like a judge or government official) intentionally makes a report, order, verdict, or decision during a court case that they know is against the law, they can be punished.

The punishment can be:

Up to seven years in prison,

A fine,

Or both prison and a fine.

Explanation using Example

Example 1:

Ravi is a judge in a district court in India. During a high-profile corruption case, he is offered a large bribe by one of the accused to deliver a favorable verdict. Despite knowing that the evidence clearly points to the guilt of the accused, Ravi accepts the bribe and pronounces the accused as not guilty. This act of delivering a verdict contrary to the law, motivated by corruption, makes Ravi liable under Section 257 of The Bharatiya Nyaya Sanhita 2023. He can be punished with imprisonment for up to seven years, a fine, or both.

Example 2:

Sunita is a police officer who is responsible for preparing investigation reports for cases that go to court. In a case involving a powerful politician, she is pressured to alter the investigation report to omit crucial evidence that would implicate the politician in a crime. Sunita, fearing for her job and personal safety, corruptly modifies the report to favor the politician, despite knowing that it is against the law. This act of making a false report in a judicial proceeding makes Sunita liable under Section 257 of The Bharatiya Nyaya Sanhita 2023. She can face imprisonment for up to seven years, a fine, or both.

Section 258: Commitment for trial or confinement by person having authority who knows that he is acting contrary to law.

Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, corruptly or maliciously commits any person for trial or to confinement, or keeps any person in confinement, in the exercise of that authority knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Simplified Acts

If someone has a job that gives them the legal power to send people to trial or jail, or to keep people in jail, and they use that power in a corrupt or mean way to send someone to trial or jail, or to keep someone in jail, even though they know it's against the law, they can be punished.

The punishment can be:

Up to seven years in prison,

A fine,

Or both prison and a fine.

Explanation using Example

Example 1:

Scenario: A police officer, Inspector Sharma, has the authority to arrest and detain individuals suspected of committing crimes. He has a personal grudge against Mr. Verma, a local businessman, due to a previous altercation. Despite knowing that Mr. Verma has not committed any crime, Inspector Sharma fabricates evidence and arrests Mr. Verma, keeping him in confinement for several days.

Application of Section 258: Inspector Sharma, by using his legal authority to arrest and detain Mr. Verma without any lawful basis and knowing that his actions are contrary to the law, has committed an offense under Section 258 of The Bharatiya Nyaya Sanhita 2023. He can be punished with imprisonment for up to seven years, a fine, or both.

Example 2:

Scenario: Judge Mehta, a district judge, is bribed by a rival businessman to ensure that Mr. Kumar, a competitor, is kept out of business. Judge Mehta, knowing that there is no legal basis for such an action, orders Mr. Kumar to be committed for trial on false charges of fraud. Mr. Kumar is subsequently kept in confinement for several months.

Application of Section 258: Judge Mehta, by using his legal authority to commit Mr. Kumar for trial and keeping him in confinement without any lawful reason and knowing that his actions are contrary to the law, has committed an offense under Section 258 of The Bharatiya Nyaya Sanhita 2023. He can be punished with imprisonment for up to seven years, a fine, or both.

Section 259: Intentional omission to apprehend on part of public servant bound to apprehend.

Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished,

--

(a) with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with death; or

(b) with imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with imprisonment for life or imprisonment for a term which may extend to ten years; or

(c) with imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with imprisonment for a term less than ten years.

Simplified Acts

If a public servant, who is supposed to arrest or keep someone in jail for a crime, intentionally does not arrest that person, lets them escape, or helps them escape, they will be punished as follows:

(a) If the person should have been arrested for a crime punishable by death, the public servant can be jailed for up to seven years and may also have to pay a fine.

(b) If the person should have been arrested for a crime punishable by life imprisonment or up to ten years in prison, the public servant can be jailed for up to three years and may also have to pay a fine.

(c) If the person should have been arrested for a crime punishable by less than ten years in prison, the public servant can be jailed for up to two years and may also have to pay a fine.

Explanation using Example

Example 1:

A police officer in Mumbai is responsible for arresting a notorious criminal who is charged with multiple murders, an offence punishable with death. The officer, however, intentionally avoids arresting the criminal despite having clear evidence and opportunities to do so. Instead, the officer tips off the criminal about impending raids, allowing the criminal to evade capture. Under Section

259 of The Bharatiya Nyaya Sanhita 2023, the officer can be punished with imprisonment for up to seven years, with or without a fine, for intentionally omitting to apprehend a person charged with an offence punishable with death.

Example 2:

A jailor in Delhi is in charge of a prison where a convict serving a life sentence for a serious crime is held. The jailor, due to personal reasons, intentionally allows the convict to escape by providing him with the keys to his cell and a disguise. The convict successfully escapes from the prison. According to Section 259 of The Bharatiya Nyaya Sanhita 2023, the jailor can be punished with imprisonment for up to three years, with or without a fine, for intentionally aiding a person in escaping from confinement who was liable to be apprehended for an offence punishable with imprisonment for life.

Example 3:

A constable in Bangalore is tasked with arresting a person accused of theft, an offence punishable with imprisonment for up to seven years. The constable, however, accepts a bribe from the accused's family and intentionally delays the arrest, allowing the accused to flee the city. Under Section 259 of The Bharatiya Nyaya Sanhita 2023, the constable can be punished with imprisonment for up to two years, with or without a fine, for intentionally omitting to apprehend a person charged with an offence punishable with imprisonment for a term less than ten years.

Section 260: Intentional omission to apprehend on part of public servant bound to apprehend person under sentence or lawfully committed.

Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person under sentence of a Court for any offence or lawfully committed to custody, intentionally omits to apprehend such person, or intentionally suffers such person to escape or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished, -

(a) with imprisonment for life or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death; or

(b) with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement or who ought to have been apprehended, is subject, by a sentence of a Court, or by virtue of a commutation of such sentence, to imprisonment for life or imprisonment for a term of ten years, or upwards; or

(c) with imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement or who ought to have been apprehended, is subject by a sentence of a Court to imprisonment for a term not extending to ten years or if the person was lawfully committed to custody.

Simplified Acts

If a public servant, who is supposed to arrest or keep someone in jail as ordered by a court, intentionally does not arrest that person, lets them escape, or helps them escape, they will be punished as follows:

(a) If the person who escaped was sentenced to death, the public servant can be punished with life imprisonment or imprisonment up to fourteen years, with or without a fine.

(b) If the person who escaped was sentenced to life imprisonment or imprisonment for ten years or more, the public servant can be punished with imprisonment up to seven years, with or without a fine.

(c) If the person who escaped was sentenced to imprisonment for less than ten years or was lawfully in custody, the public servant can be punished with imprisonment up to three years, a fine, or both.

Explanation using Example

Example 1:

Ravi is a police officer in Mumbai. He is legally bound to apprehend Ramesh, who has been sentenced to death for a heinous crime. Ravi, however, intentionally allows Ramesh to escape from custody by leaving the cell door unlocked and providing him with a disguise. Under Section 260 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for life or imprisonment for up to fourteen years, with or without a fine, because Ramesh was under a sentence of death.

Example 2:

Sunita is a jail warden in Delhi. She is responsible for keeping Suresh, who has been sentenced to life imprisonment for a serious offense, in confinement. Sunita, however, intentionally omits to report that Suresh has escaped from the prison during her shift. Under Section 260 of The Bharatiya Nyaya Sanhita 2023, Sunita can be punished with imprisonment for up to seven years, with or without a fine, because Suresh was subject to imprisonment for life.

Example 3:

Ajay is a constable in Bangalore. He is tasked with apprehending Vinod, who has been sentenced to five years in prison for theft. Ajay, however, intentionally delays the arrest, allowing Vinod to flee the city. Under Section 260 of The Bharatiya Nyaya Sanhita 2023, Ajay can be punished with imprisonment for up to three years, or with a fine, or both, because Vinod was subject to imprisonment for a term not extending to ten years.

Section 261: Escape from confinement or custody negligently suffered by public servant.

Whoever, being a public servant legally bound as such public servant to keep in confinement any person charged with or convicted of any offence or lawfully committed to custody, negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If a public servant, who is supposed to keep someone in jail or custody, carelessly lets that person escape, they can be punished with up to two years in jail, or a fine, or both.

Explanation using Example

Example 1:

Ravi is a police officer in Mumbai. He is responsible for overseeing the custody of Ramesh, who has been convicted of theft and is serving his sentence in a local jail. One day, Ravi forgets to lock the cell properly after a routine check. Ramesh notices the unlocked door and escapes from the jail. Due to Ravi's

negligence, Ramesh is now on the run. Under Section 261 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with simple imprisonment for up to two years, or with a fine, or both, for negligently allowing Ramesh to escape from confinement.

Example 2:

Sunita is a court-appointed guard responsible for transporting prisoners from the court to the prison in Delhi. During one such transport, she stops at a roadside stall to buy some snacks, leaving the van unattended and unlocked. One of the prisoners, Ajay, who is being transported for a serious assault charge, takes advantage of this negligence and escapes. Sunita's failure to ensure the security of the prisoners in her custody makes her liable under Section 261 of The Bharatiya Nyaya Sanhita 2023. She could face simple imprisonment for up to two years, or a fine, or both, for her negligent actions.

Section 262: Resistance or obstruction by a person to his lawful apprehension.

Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation. - The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

Simplified Acts

If someone tries to resist or illegally stop their own arrest for a crime they are accused of or have been found guilty of, or if they try to escape from lawful custody for such a crime, they can be punished. The punishment can be up to two years in prison, a fine, or both.

Explanation. - This punishment is in addition to any punishment the person already faces for the crime they were charged with or convicted of.

Explanation using Example

Example 1:

Ravi has been charged with theft and a warrant has been issued for his arrest. When the police arrive at his house to apprehend him, Ravi locks himself inside a room and refuses to come out, despite repeated requests from the officers. He also pushes a heavy piece of furniture against the door to prevent the police from entering. This act of resistance and obstruction to his lawful apprehension can lead to Ravi being punished under Section 262 of The Bharatiya Nyaya Sanhita 2023, in addition to any punishment he may receive for the theft charge.

Example 2:

Sunita has been convicted of fraud and is serving her sentence in a local jail. One day, she manages to break out of her cell and attempts to escape from the jail premises. She is caught by the guards before she can get very far. Sunita's attempt to escape from lawful custody can result in additional punishment under Section 262 of The Bharatiya Nyaya Sanhita 2023, on top of the sentence she is already serving for the fraud conviction.

Section 263: Resistance or obstruction to lawful apprehension of another person.

Whoever, intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence, -

(a) shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; or

(b) if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with imprisonment for life or imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; or

(c) if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or

(d) if the person to be apprehended or rescued, or attempted to be rescued, is liable under the sentence of a Court or by virtue of a commutation of such a sentence, to imprisonment for life, or imprisonment for a term of ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or

(e) if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Simplified Acts

If someone tries to stop the police from arresting another person, or tries to help someone escape from legal custody, they can be punished as follows:

(a) They can be sent to jail for up to two years, or fined, or both.

(b) If the person they are trying to help is charged with a serious crime that could lead to life imprisonment or up to ten years in jail, they can be sent to jail for up to three years and fined.

(c) If the person they are trying to help is charged with a crime that could lead to the death penalty, they can be sent to jail for up to seven years and fined.

(d) If the person they are trying to help is already sentenced to life imprisonment or at least ten years in jail, they can be sent to jail for up to seven years and fined.

(e) If the person they are trying to help is sentenced to death, they can be sent to jail for life or up to ten years and fined.

Explanation using Example

Example 1:

Ravi is a shopkeeper in a small town. One day, his friend, Suresh, is caught by the police for allegedly committing a theft. As the police are trying to arrest Suresh, Ravi steps in and physically blocks the police officers, preventing them from taking Suresh into custody. Ravi's actions constitute resistance to lawful apprehension under Section 263 of the Bharatiya Nyaya Sanhita 2023. Ravi could be punished with imprisonment for up to two years, a fine, or both.

Example 2:

Priya's brother, Arjun, is arrested for a serious crime that could lead to a life sentence. While Arjun is being transported to the court, Priya and her friends plan and execute a rescue operation, successfully freeing Arjun from police custody. Since Arjun is charged with an offence punishable with imprisonment for life, Priya and her friends could face imprisonment for up to three years and a fine under Section 263(b) of the Bharatiya Nyaya Sanhita 2023.

Example 3:

During a high-profile trial, a notorious criminal, Rakesh, is sentenced to death. While Rakesh is being held in a high-security prison, his accomplice, Vikram, attempts to break him out. Vikram's actions fall under Section 263(e) of the Bharatiya Nyaya Sanhita 2023. Since Rakesh is under a sentence of death, Vikram could be punished with imprisonment for life or imprisonment for up to ten years, along with a fine.

Example 4:

Anita's husband, Raj, is serving a life sentence for a heinous crime. Anita, desperate to reunite with her husband, bribes a prison guard to help Raj escape. The guard's actions, in assisting Raj's escape, are covered under Section 263(d) of the Bharatiya Nyaya Sanhita 2023. Since Raj is under a life sentence, the guard could face imprisonment for up to seven years and a fine.

Example 5:

During a protest, the police attempt to arrest a protestor, Manish, who is accused of inciting violence. Manish's friend, Deepak, intervenes and physically pushes the police officers away, allowing Manish to escape. Deepak's interference is considered illegal obstruction to lawful apprehension under Section 263(a) of the Bharatiya Nyaya Sanhita 2023. Deepak could be punished with imprisonment for up to two years, a fine, or both.

Section 264: Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for.

Whoever, being a public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in section 259, section 260 or section 261, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished -

(a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and

(b) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If a public servant, who is required by law to arrest or keep someone in jail, fails to do so or lets the person escape, they will be punished as follows:

(a) If they do it on purpose, they can be jailed for up to three years, fined, or both.

(b) If they do it by mistake, they can be jailed for up to two years, fined, or both.

Explanation using Example

Example 1:

Ravi is a police officer in a small town in India. He is legally bound to arrest a suspect named Arjun, who is accused of theft. However, Ravi, knowing that Arjun is a relative of a powerful politician, intentionally decides not to arrest him. Instead, he allows Arjun to remain free. In this scenario, Ravi has intentionally omitted to apprehend Arjun, which is a violation of Section 264 of The Bharatiya Nyaya Sanhita 2023. Ravi could be punished with imprisonment for up to three years, a fine, or both.

Example 2:

Sunita is a jail warden responsible for overseeing the confinement of prisoners. One day, due to her negligence, she fails to notice that a prisoner named Ramesh has managed to escape from the jail. Sunita did not intentionally allow Ramesh to escape, but her negligence led to his escape. In this case, Sunita has negligently suffered the escape of a prisoner, which falls under Section 264 of The Bharatiya Nyaya Sanhita 2023. Sunita could be punished with simple imprisonment for up to two years, a fine, or both.

Section 265: Resistance or obstruction to lawful apprehension or escape or rescue in cases not otherwise provided for.

Whoever, in any case not provided for in section 262 or section 263 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Simplified Acts

If someone intentionally resists or illegally obstructs their own lawful arrest or the lawful arrest of another person, and this situation is not covered by sections 262 or 263 or any other current law, they can be punished.

If someone escapes or tries to escape from lawful custody, they can be punished.

If someone rescues or tries to rescue another person from lawful custody, they can be punished.

The punishment can be imprisonment for up to six months, a fine, or both.

Explanation using Example

Example 1:

Ravi is a suspect in a theft case and is lawfully detained by the police. While being transported to the court, Ravi's friend, Suresh, tries to block the police vehicle and create a commotion to help Ravi escape. Suresh's actions constitute resistance or obstruction to lawful apprehension under Section 265 of The Bharatiya Nyaya Sanhita 2023. Suresh can be punished with imprisonment for up to six months, a fine, or both.

Example 2:

Priya is arrested for fraud and is being held in police custody. During her detention, she manages to break free from her handcuffs and attempts to flee the police station. Priya's attempt to escape from lawful custody falls under Section 265 of The Bharatiya Nyaya Sanhita 2023. She can be punished with imprisonment for up to six months, a fine, or both.

Example 3:

During a police raid, Ramesh is arrested for drug possession. While being taken to the police station, Ramesh's brother, Anil, tries to physically intervene and pull Ramesh away from the police officers. Anil's actions are considered an attempt to rescue a person from lawful custody under Section 265 of The Bharatiya Nyaya Sanhita 2023. Anil can be punished with imprisonment for up to six months, a fine, or both.

Example 4:

Sunita is lawfully detained for questioning in a fraud investigation. Her friend, Meena, tries to bribe the police officers to let Sunita go. Meena's attempt to illegally obstruct the lawful detention of Sunita is covered under Section 265 of The Bharatiya Nyaya Sanhita 2023. Meena can be punished with imprisonment for up to six months, a fine, or both.

Section 266: Violation of condition of remission of punishment.

Whoever, having accepted any conditional remission of punishment, knowingly violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally sentenced, if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

Simplified Acts

If someone has been given a reduction in their punishment on certain conditions and they knowingly break any of those conditions, they will face the following consequences:

If they haven't served any part of their original punishment, they will have to serve the full original punishment.

If they have already served part of their original punishment, they will have to serve the remaining part of the original punishment.

Explanation using Example

Example 1:

Ravi was sentenced to 5 years in prison for theft. After serving 2 years, he was granted a conditional remission of his sentence, allowing him to be released early on the condition that he would not leave his hometown without informing

the local police. However, Ravi decided to visit a neighboring state without informing the authorities. Upon discovering this violation, the court revoked his remission, and Ravi was ordered to serve the remaining 3 years of his original sentence.

Example 2:

Meena was convicted of fraud and sentenced to 3 years in prison. After serving 1 year, she was granted a conditional remission on the condition that she would not engage in any financial transactions without prior approval from the court. Meena, however, started a new business and conducted several financial transactions without seeking approval. When the court found out, her remission was revoked, and she was required to serve the remaining 2 years of her original sentence.

Section 267: Intentional insult or interruption to public servant sitting in judicial proceeding.

Whoever, intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone purposely insults or disrupts a public servant while they are working in a court or legal proceeding, they can be punished.

The punishment can be:

Up to six months in jail, or

A fine up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi is attending a court hearing where Judge Mehta is presiding over a civil case. During the proceedings, Ravi becomes agitated and starts shouting insults at Judge Mehta, calling him biased and corrupt. Despite multiple

warnings from the court staff to calm down, Ravi continues his disruptive behavior, causing the hearing to be interrupted. As a result, Ravi is charged under Section 267 of The Bharatiya Nyaya Sanhita 2023 for intentionally insulting and interrupting a public servant during a judicial proceeding. He faces a potential punishment of up to six months of simple imprisonment, a fine of up to five thousand rupees, or both.

Example 2:

During a criminal trial, Anjali, who is a relative of the accused, stands up and loudly accuses the prosecutor of fabricating evidence. Her outburst disrupts the proceedings, and the judge has to call for a recess to restore order in the courtroom. Anjali's actions are deemed to be an intentional insult and interruption to the public servant (the prosecutor) who is performing his duties in a judicial proceeding. Consequently, Anjali is charged under Section 267 of The Bharatiya Nyaya Sanhita 2023 and could be sentenced to simple imprisonment for up to six months, fined up to five thousand rupees, or both.

Section 268: Personation of assessor.

Whoever, by personation or otherwise, shall intentionally cause, or knowingly suffer himself to be returned, empanelled or sworn as an assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled or sworn, or knowing himself to have been so returned, empanelled or sworn contrary to law, shall voluntarily serve as such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone pretends to be someone else or uses other tricks to get chosen, listed, or sworn in as an assessor (a person who helps in a legal case) when they know they are not legally allowed to do so, or

If someone knows they were chosen, listed, or sworn in as an assessor against the law and still decides to serve as an assessor,

That person can be punished with up to two years in prison, a fine, or both.

Explanation using Example

Example 1:

Ravi, a 30-year-old man, is aware that he does not meet the legal qualifications to serve as an assessor in a high-profile criminal case due to his previous criminal record. Despite this, he uses a fake identity and forged documents to get himself empanelled as an assessor. During the trial, it is discovered that Ravi has personated another individual to serve in this capacity. Under Section 268 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to two years, a fine, or both for intentionally causing himself to be empanelled as an assessor when he knew he was not entitled by law.

Example 2:

Sita, a retired school teacher, is selected to serve as an assessor in a civil case. She knows that she is not legally qualified to serve because she is over the age limit specified by law for assessors. However, she does not inform the court of her ineligibility and continues to serve in the role. When the court later finds out that Sita knowingly served as an assessor despite being ineligible, she can be prosecuted under Section 268 of The Bharatiya Nyaya Sanhita 2023. Sita could face imprisonment for up to two years, a fine, or both for knowingly serving as an assessor contrary to the law.

Section 269: Failure by person released on bail bond or bond to appear in Court.

Whoever, having been charged with an offence and released on bail bond or on bond, fails without sufficient cause (the burden of proving which shall lie upon him), to appear in Court in accordance with the terms of the bail or bond, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Explanation

The punishment under this section is -

- (a) in addition to the punishment to which the offender would be liable on a conviction for the offence with which he has been charged; and
- (b) without prejudice to the power of the Court to order forfeiture of the bond.

Simplified Acts

If someone is charged with a crime and is released on bail or bond, but then fails to show up in court without a good reason (and it's their job to prove they had a good reason), they can be punished. The punishment can be up to one year in jail, a fine, or both.

Explanation

The punishment for not showing up in court:

(a) is in addition to any punishment they might get for the original crime they were charged with; and

(b) does not stop the court from taking away their bail or bond money.

Explanation using Example

Example 1:

Ravi was arrested for allegedly committing theft and was subsequently released on bail. As part of his bail conditions, Ravi was required to appear in court on the 15th of every month until the trial concluded. However, Ravi failed to appear in court on the scheduled date without providing any valid reason. The court issued a notice to Ravi, asking him to explain his absence. Ravi could not provide a sufficient cause for his failure to appear. As a result, Ravi was charged under Section 269 of The Bharatiya Nyaya Sanhita 2023. He faced an additional punishment of up to one year of imprisonment or a fine, or both, on top of the punishment for the original theft charge. Additionally, the court ordered the forfeiture of his bail bond.

Example 2:

Priya was accused of fraud and was released on a bond with the condition that she must attend all court hearings related to her case. Priya missed a court hearing because she was hospitalized due to a severe illness. She provided medical records and a doctor's note to the court as proof of her hospitalization. The court accepted her explanation as a sufficient cause for her absence. Therefore, Priya was not punished under Section 269 of The Bharatiya Nyaya Sanhita 2023, as she had a valid reason for not appearing in court. However, she was reminded to inform the court in advance if she anticipated any future absences.

CHAPTER XV: OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS

Section 270: Public nuisance.

A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right but a common nuisance is not excused on the ground that it causes some convenience or advantage.

Simplified Acts

A person commits a public nuisance if they do something or fail to do something they are supposed to, which:

Causes harm, danger, or annoyance to the public or people living nearby.

Must cause harm, obstruction, danger, or annoyance to people using public spaces or rights.

A public nuisance is still considered a nuisance even if it provides some convenience or benefit to others.

Explanation using Example

Example 1:

Ramesh owns a factory that produces chemicals. Instead of properly disposing of the waste, he dumps it into a nearby river that flows through a village. The villagers use this river for drinking water, bathing, and irrigation. As a result of Ramesh's actions, the water becomes contaminated, causing health issues among the villagers and damaging their crops. Ramesh's act of dumping waste into the river constitutes a public nuisance because it causes common injury and danger to the public.

Example 2:

Sunita runs a small eatery in a busy market area. To attract more customers, she places tables and chairs on the public footpath, obstructing the way for pedestrians. People are forced to walk on the road, which increases the risk of

accidents. Despite the convenience and advantage to her business, Sunita's act of obstructing the public footpath is a public nuisance because it causes obstruction and danger to the public who use the footpath.

Example 3:

A local construction company leaves a large pile of debris on a public road after completing a project. The debris blocks the road, making it difficult for vehicles and pedestrians to pass through. This obstruction causes significant inconvenience and potential danger to the public. The company's failure to clear the debris is an illegal omission that constitutes a public nuisance.

Example 4:

During a festival, a group of people sets up loudspeakers in a residential area and plays music at a very high volume late into the night. The loud noise disturbs the sleep and peace of the residents, causing annoyance and potential health issues. The act of playing loud music in a residential area at inappropriate times is a public nuisance because it causes annoyance and disturbance to the public.

Example 5:

A shopkeeper in a crowded market area burns garbage in front of his shop, causing thick smoke and a foul smell to spread in the vicinity. The smoke and smell cause discomfort and health issues for other shopkeepers and customers in the market. The shopkeeper's act of burning garbage in a public area is a public nuisance because it causes common injury and annoyance to the public.

Section 271: Negligent act likely to spread infection of disease dangerous to life.

Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Simplified Acts

If someone does something illegal or careless that they know, or should know, could spread a dangerous disease, they can be punished.

The punishment can be up to six months in jail, a fine, or both.

Explanation using Example

Example 1:

Ravi, a resident of Mumbai, was diagnosed with a highly contagious and dangerous disease, such as tuberculosis. Despite being advised by his doctor to stay isolated and take necessary precautions, Ravi continued to travel on crowded local trains and attend public gatherings. His actions led to the spread of the disease to several other individuals. Under Section 271 of The Bharatiya Nyaya Sanhita 2023, Ravi could be charged for negligently spreading an infection dangerous to life and may face imprisonment for up to six months, a fine, or both.

Example 2:

Sita, who runs a small bakery in Delhi, was aware that she had contracted a severe case of food poisoning. Despite knowing the risks, she continued to prepare and sell food items without taking any measures to prevent contamination. Several customers who consumed her products fell seriously ill. Sita's negligent actions, which she knew could spread a dangerous infection, could lead to her being prosecuted under Section 271 of The Bharatiya Nyaya Sanhita 2023, resulting in potential imprisonment for up to six months, a fine, or both.

Section 272: Malignant act likely to spread infection of disease dangerous to life.

Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone intentionally does something that they know, or should know, could spread a dangerous disease, they can be punished.

The punishment can be up to two years in prison, a fine, or both.

Explanation using Example

Example 1:

Rajesh, knowing that he is infected with a highly contagious and dangerous strain of tuberculosis, deliberately coughs and spits in a crowded public bus in Mumbai. His actions are likely to spread the infection to other passengers. Under Section 272 of The Bharatiya Nyaya Sanhita 2023, Rajesh can be punished with imprisonment for up to two years, a fine, or both.

Example 2:

Priya, who is aware that she has contracted a severe form of influenza, decides to attend a large wedding ceremony in Delhi without taking any precautions to prevent the spread of the disease. She mingles with guests, shakes hands, and shares food, thereby increasing the risk of infecting others. Under Section 272 of The Bharatiya Nyaya Sanhita 2023, Priya can be held liable for her actions and may face imprisonment for up to two years, a fine, or both.

Section 273: Disobedience to quarantine rule.

Whoever knowingly disobeys any rule made by the Government for putting any mode of transport into a state of quarantine, or for regulating the intercourse of any such transport in a state of quarantine or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Simplified Acts

If someone knowingly breaks a rule set by the Government about:

Putting any type of transport (like cars, buses, planes) into quarantine,

Controlling how these quarantined transports interact with other places,

Controlling how people or goods move between areas with an infectious disease and other areas,

They can be punished with:

Up to six months in jail,

A fine,

Or both jail time and a fine.

Explanation using Example

Example 1:

Ravi is a truck driver who transports goods between different states in India. During an outbreak of a contagious disease, the government issues a rule that all trucks coming from certain affected areas must undergo a quarantine process at designated checkpoints. Ravi, aware of this rule, decides to bypass the checkpoint to save time. He is caught by the authorities and is charged under Section 273 of The Bharatiya Nyaya Sanhita 2023 for disobeying the quarantine rule. Ravi faces the possibility of imprisonment for up to six months, a fine, or both.

Example 2:

Meena is a passenger on a train traveling from a city experiencing a severe outbreak of an infectious disease to another city. The government has mandated that all trains from the affected city must stop at a quarantine station for health checks before proceeding. Meena, knowing this rule, persuades the train conductor to skip the quarantine stop. The authorities discover this violation, and Meena, along with the conductor, is charged under Section 273 of The Bharatiya Nyaya Sanhita 2023. They both face potential imprisonment for up to six months, a fine, or both.

Section 274: Adulteration of food or drink intended for sale.

Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone adds harmful substances to any food or drink, making it dangerous to consume, and they plan to sell it as food or drink, or they know it might be sold as food or drink, they can be punished.

The punishment can be:

Up to six months in jail, or

A fine up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ramesh runs a small dairy shop in a village in Maharashtra. To increase his profits, he starts adding water to the milk he sells. Over time, he also begins adding a harmful chemical preservative to prevent the diluted milk from spoiling quickly. One day, a customer falls ill after consuming the adulterated milk and reports it to the local health authorities. Upon investigation, it is found that Ramesh has been adulterating the milk with harmful substances. Under Section 274 of The Bharatiya Nyaya Sanhita 2023, Ramesh is charged with adulteration of food intended for sale. He faces imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Example 2:

Sunita owns a popular street food stall in Delhi. To cut costs, she starts using a cheaper, low-quality oil that contains harmful chemicals for frying snacks. She is aware that the oil is not safe for consumption but continues to use it to save money. One day, several customers suffer from food poisoning after eating snacks from her stall. The food safety officers conduct a raid and find that Sunita has been using adulterated oil. Under Section 274 of The Bharatiya Nyaya Sanhita 2023, Sunita is prosecuted for adulterating food intended for sale. She could be sentenced to imprisonment for up to six months, fined up to five thousand rupees, or both.

Section 275: Sale of noxious food or drink.

Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone sells, offers to sell, or displays for sale any item as food or drink that is harmful or not safe to eat or drink, and they know or have reason to believe it is harmful or unsafe:

They can be punished with up to six months in jail, or

They can be fined up to five thousand rupees, or

They can face both jail time and a fine.

Explanation using Example

Example 1:

Ravi runs a small grocery store in a local market in Delhi. He receives a batch of milk packets from his supplier, but upon inspection, he notices that the milk has a foul smell and is visibly spoiled. Despite knowing that the milk is unfit for consumption, Ravi decides to sell it to his customers to avoid financial loss. One of his customers, Priya, buys the milk and falls ill after consuming it. Under Section 275 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to six months, a fine of up to five thousand rupees, or both, for selling noxious food.

Example 2:

Sunita owns a small roadside eatery in Mumbai. She prepares a batch of samosas using potatoes that have started to rot. She is aware that the potatoes are not suitable for cooking but uses them anyway to save costs. A customer, Rajesh, eats the samosas and suffers from severe food poisoning. Sunita, knowing that the food was unfit for consumption, can be held liable under Section 275 of The Bharatiya Nyaya Sanhita 2023. She faces the possibility of imprisonment for up to six months, a fine of up to five thousand rupees, or both, for offering noxious food for sale.

Section 276: Adulteration of drugs.

Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone mixes or changes a drug or medical product in a way that:

Makes it less effective,

Changes how it works, or

Makes it harmful,

And they do this:

Intending for it to be sold or used for medical purposes, or

Knowing it will probably be sold or used for medical purposes,

As if the drug or product had not been tampered with,

Then that person can be:

Sent to jail for up to one year,

Fined up to five thousand rupees, or

Both jailed and fined.

Explanation using Example

Example 1:

Ravi owns a small pharmaceutical company in Mumbai. To cut costs, he decides to dilute a batch of antibiotics with water, reducing their potency. He then packages these diluted antibiotics and sells them to local pharmacies, knowing that they will be used by patients to treat infections. A patient who buys the diluted antibiotics does not recover from their infection and suffers severe health complications. Ravi's actions fall under Section 276 of the Bharatiya Nyaya Sanhita 2023, as he adulterated the drug, lessening its efficacy, and sold it for medicinal purposes.

Example 2:

Sunita runs a traditional Ayurvedic medicine shop in Delhi. She receives a large order for a popular herbal remedy. To meet the demand, she mixes the remedy with a cheaper, toxic herb that changes its operation and makes it harmful. She sells the adulterated remedy to her customers, claiming it is pure and effective. One of her customers falls ill after using the remedy. Sunita's actions are punishable under Section 276 of the Bharatiya Nyaya Sanhita 2023, as she knowingly adulterated the medicinal preparation, making it noxious, and sold it for medicinal use.

Section 277: Sale of adulterated drugs.

Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone knows that a drug or medical product has been tampered with in a way that:

Reduces its effectiveness,

Changes how it works, or

Makes it harmful,

And they:

Sell it,

Offer it for sale,

Display it for sale,

Give it out from a pharmacy as if it were not tampered with, or

Cause someone to use it for medical purposes without knowing it was tampered with,

They can be punished with:

Up to six months in jail,

A fine up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Dr. Sharma, a pharmacist in Mumbai, knowingly sells a batch of cough syrup that has been diluted with water, reducing its effectiveness. A customer, unaware of the adulteration, buys the syrup for his child who is suffering from a severe cough. The child's condition worsens due to the ineffective medication. Dr. Sharma can be prosecuted under Section 277 of The Bharatiya Nyaya Sanhita 2023 for selling adulterated drugs, and he may face imprisonment for up to six months, a fine up to five thousand rupees, or both.

Example 2:

A pharmaceutical company in Delhi manufactures a pain relief ointment but, to cut costs, they add a harmful chemical that can cause skin rashes. They distribute this ointment to various dispensaries across the city, labeling it as safe and effective. A patient, unaware of the adulteration, uses the ointment and suffers from severe skin irritation. The company can be held liable under Section 277 of The Bharatiya Nyaya Sanhita 2023 for issuing adulterated drugs for medicinal purposes, and the responsible individuals may face imprisonment for up to six months, a fine up to five thousand rupees, or both.

Section 278: Sale of drug as a different drug or preparation.

Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone knowingly sells, offers for sale, or gives out from a pharmacy any drug or medical preparation as if it were a different drug or medical preparation, they can be punished.

The punishment can be:

Up to six months in jail, or

A fine up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi owns a small pharmacy in Mumbai. He runs out of a popular antibiotic, Amoxicillin, but still has a stock of a different antibiotic, Ciprofloxacin. A customer comes in asking specifically for Amoxicillin. Knowing that Ciprofloxacin is not the same as Amoxicillin, Ravi decides to sell Ciprofloxacin to the customer, falsely claiming it is Amoxicillin. Under Section 278 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to six months, a fine up to five thousand rupees, or both, for selling a drug as a different drug.

Example 2:

Dr. Mehta, a doctor in Delhi, runs a small clinic and dispensary. He runs out of a specific painkiller, Paracetamol, but has a stock of Ibuprofen. When a patient comes in with a prescription for Paracetamol, Dr. Mehta knowingly gives the patient Ibuprofen instead, claiming it is Paracetamol. Under Section 278 of The Bharatiya Nyaya Sanhita 2023, Dr. Mehta can be punished with imprisonment for up to six months, a fine up to five thousand rupees, or both, for issuing a drug as a different drug from his dispensary.

Section 279: Fouling water of public spring or reservoir.

Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

Anyone who intentionally pollutes or contaminates the water of any public spring or reservoir, making it less suitable for its usual use, can be punished with:

Up to six months in jail, or

A fine of up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi, a factory owner, disposes of chemical waste into a public reservoir near his factory. The chemicals contaminate the water, making it unsafe for the local villagers who rely on the reservoir for drinking water and irrigation. As a result, several villagers fall ill. Under Section 279 of The Bharatiya Nyaya Sanhita 2023, Ravi can be prosecuted for fouling the water of a public reservoir. If found guilty, he could face imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Example 2:

Meena, a resident of a small town, regularly washes her car using a hose connected to a public spring. She uses a strong detergent that flows back into the spring, contaminating the water. The spring is a primary source of drinking water for the town's residents. Due to the contamination, the water becomes unfit for consumption, causing inconvenience and potential health risks to the community. Under Section 279 of The Bharatiya Nyaya Sanhita 2023, Meena can be charged with fouling the water of a public spring. If convicted, she could be sentenced to imprisonment for up to six months, fined up to five thousand rupees, or both.

Section 280: Making atmosphere noxious to health.

Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with fine which may extend to one thousand rupees.

Simplified Acts

If someone intentionally makes the air in a place harmful to the health of people living, working nearby, or passing by on a public road, they can be fined up to one thousand rupees.

Explanation using Example

Example 1:

Ravi owns a small factory in a residential area in Mumbai. To cut costs, he decides to dispose of chemical waste by burning it in an open area near his

factory. The toxic fumes from the burning waste spread through the neighborhood, causing several residents to suffer from respiratory issues and nausea. Under Section 280 of The Bharatiya Nyaya Sanhita 2023, Ravi can be fined up to one thousand rupees for making the atmosphere noxious to the health of the people living in the vicinity.

Example 2:

Sunita runs a roadside food stall in Delhi. To keep mosquitoes away, she starts burning plastic waste every evening near her stall. The smoke from the burning plastic creates a noxious atmosphere, affecting the health of pedestrians and nearby shop owners. Under Section 280 of The Bharatiya Nyaya Sanhita 2023, Sunita can be fined up to one thousand rupees for voluntarily vitiating the atmosphere and making it harmful to the health of people in the area.

Section 281: Rash driving or riding on a public way.

Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Simplified Acts

Anyone who drives a vehicle or rides on a public road in a way that is very careless or dangerous, and could harm or injure someone, can be punished. The punishment can be:

Up to six months in jail, or

A fine of up to one thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi, a 25-year-old software engineer, was driving his car at a very high speed on a busy street in Mumbai. He was weaving in and out of traffic, ignoring traffic signals, and overtaking other vehicles recklessly. Due to his rash driving, he almost hit a pedestrian crossing the road. Fortunately, the pedestrian

managed to jump back just in time, avoiding a serious accident. Ravi's actions were reported to the police by several witnesses. Under Section 281 of The Bharatiya Nyaya Sanhita 2023, Ravi could be punished with imprisonment for up to six months, a fine of up to one thousand rupees, or both, for driving in a manner that endangered human life.

Example 2:

Priya, a college student, was riding her scooter on a public road in Delhi. She was using her mobile phone while riding, not paying attention to the road. As a result, she failed to notice a group of school children crossing the street and had to swerve suddenly to avoid hitting them. In doing so, she lost control of her scooter and fell, causing minor injuries to herself and one of the children. Priya's negligent riding endangered the lives of the children and caused injury. According to Section 281 of The Bharatiya Nyaya Sanhita 2023, Priya could face imprisonment for up to six months, a fine of up to one thousand rupees, or both, for her negligent behavior on a public way.

Section 282: Rash navigation of vessel.

Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

Simplified Acts

If someone drives a boat or ship carelessly or recklessly in a way that could put people's lives in danger or could hurt someone, they can be punished.

The punishment can be:

Up to six months in jail, or

A fine of up to ten thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Rajesh is a boat operator on the Ganges River in Varanasi. One evening, he decides to show off his boating skills to his friends by speeding through a crowded section of the river where many small boats and swimmers are present. Due to his rash navigation, he narrowly misses colliding with a small boat carrying tourists, causing panic and minor injuries to one of the tourists who falls into the water. Rajesh's actions are considered rash and negligent, endangering human life and causing injury. Under Section 282 of The Bharatiya Nyaya Sanhita 2023, Rajesh can be punished with imprisonment for up to six months, a fine up to ten thousand rupees, or both.

Example 2:

Sunita is a ferry captain operating between Mumbai and Alibaug. One day, she decides to take a shortcut through a restricted area known for its strong currents and underwater rocks to save time. Despite warnings from her crew, she proceeds and ends up hitting an underwater rock, causing the ferry to take on water and putting all passengers at risk. Fortunately, no one is seriously injured, but the passengers experience significant distress and minor injuries. Sunita's decision to navigate the vessel through a dangerous route in a negligent manner endangers human life. Under Section 282 of The Bharatiya Nyaya Sanhita 2023, Sunita can be punished with imprisonment for up to six months, a fine up to ten thousand rupees, or both.

Section 283: Exhibition of false light, mark or buoy.

Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, and with fine which shall not be less than ten thousand rupees.

Simplified Acts

If someone shows a fake light, mark, or buoy, knowing or intending that it will likely mislead a navigator, they can be punished.

The punishment can be up to seven years in prison.

They will also have to pay a fine of at least ten thousand rupees.

Explanation using Example

Example 1:

Ravi, a fisherman in Kerala, decides to place a buoy in the backwaters near his village. However, instead of using a standard buoy, he uses a buoy that resembles a navigational marker used by the Indian Coast Guard. He does this to deter other fishermen from entering what he considers his fishing area. A commercial boat, relying on the false buoy, changes its course and runs aground, causing significant damage to the vessel. Ravi's actions misled the navigator of the commercial boat, making him liable under Section 283 of The Bharatiya Nyaya Sanhita 2023. Ravi could face imprisonment for up to seven years and a fine of at least ten thousand rupees.

Example 2:

In Mumbai, a group of pranksters decides to place a fake lighthouse on a small island near the coast. They use powerful lights to mimic the appearance of a real lighthouse. A cargo ship, navigating through the area at night, mistakes the fake lighthouse for a real one and alters its course, leading to a collision with the island. The pranksters' actions misled the ship's navigator, making them liable under Section 283 of The Bharatiya Nyaya Sanhita 2023. Each prankster could face imprisonment for up to seven years and a fine of at least ten thousand rupees.

Section 284: Conveying person by water for hire in unsafe or overloaded vessel.

Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone knowingly or carelessly transports, or arranges for someone to be transported for money, by water in a boat or ship that is in a dangerous condition or overloaded, putting that person's life at risk, they can be punished.

The punishment can be:

Up to six months in jail, or

A fine of up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi owns a small boat and offers ferry services across a river in his village. One day, despite knowing that his boat has a significant leak and is not safe for travel, he decides to take on passengers because he doesn't want to lose a day's earnings. During the trip, water starts flooding the boat, causing panic among the passengers. Fortunately, everyone is rescued, but Ravi is later charged under Section 284 of The Bharatiya Nyaya Sanhita 2023 for knowingly conveying people in an unsafe vessel. He faces imprisonment for up to six months or a fine of up to five thousand rupees, or both.

Example 2:

Sunita operates a small ferry service in a coastal town. On a busy holiday weekend, she decides to take on more passengers than her boat's capacity to maximize her earnings. The boat becomes overloaded and unstable. Midway through the journey, the boat starts to tilt dangerously, putting all passengers at risk. Although no one is harmed, Sunita is reported to the authorities. She is charged under Section 284 of The Bharatiya Nyaya Sanhita 2023 for negligently overloading her vessel, endangering the lives of her passengers. She could be sentenced to up to six months in prison, fined up to five thousand rupees, or both.

Section 285: Danger or obstruction in public way or line of navigation.

Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to five thousand rupees.

Simplified Acts

If someone does something, or fails to take care of property they have or are responsible for, and this causes danger, blocks, or hurts someone on a public road or waterway, they can be fined up to five thousand rupees.

Explanation using Example

Example 1:

Ravi owns a construction company and is responsible for a building project near a busy public road. He leaves large piles of construction materials and debris on the road without any warning signs or barriers. This causes a major obstruction, leading to several accidents and injuries to pedestrians and motorists. Under Section 285 of The Bharatiya Nyaya Sanhita 2023, Ravi can be fined up to five thousand rupees for causing danger and obstruction in a public way.

Example 2:

Sita is a boat owner who frequently uses a popular river route for transporting goods. She negligently leaves her boat anchored in the middle of the navigation line without proper lighting or signals. This causes a collision with another boat, resulting in injuries to the passengers. Under Section 285 of The Bharatiya Nyaya Sanhita 2023, Sita can be fined up to five thousand rupees for causing danger and obstruction in a public line of navigation.

Section 286: Negligent conduct with respect to poisonous substance.

Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any person or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against any probable danger to human life from such poisonous substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone uses a poisonous substance in a careless or reckless way that could harm or endanger someone's life, or

If someone has a poisonous substance and doesn't take proper precautions to prevent it from causing harm to people,

That person can be punished with up to six months in jail, or a fine up to five thousand rupees, or both.

Explanation using Example

Example 1:

Ravi, a farmer in a rural village in India, uses a highly toxic pesticide to protect his crops. One day, he leaves the pesticide container open and unattended in his field. A group of children playing nearby accidentally come into contact with the pesticide, resulting in severe poisoning and hospitalization. Ravi's negligent act of leaving the poisonous substance unsecured and accessible to others endangers human life. Under Section 286 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Example 2:

Sunita runs a small chemical manufacturing unit in an industrial area. She stores various poisonous chemicals in her factory. Despite knowing the dangers, she fails to label the containers properly and does not implement adequate safety measures. One of her employees, unaware of the contents, accidentally spills a chemical, causing severe burns and injuries. Sunita's negligent conduct in not taking sufficient precautions to guard against probable danger to human life makes her liable under Section 286 of The Bharatiya Nyaya Sanhita 2023. She could face imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Section 287: Negligent conduct with respect to fire or combustible matter.

Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

Simplified Acts

If someone uses fire or anything that can catch fire in a careless or reckless way that could put people's lives in danger or cause injury to someone else, or

If someone has fire or something that can catch fire and doesn't take proper precautions to prevent it from becoming dangerous to people,

That person can be punished with up to six months in jail, or a fine up to two thousand rupees, or both.

Explanation using Example

Example 1:

Ravi, a resident of a densely populated neighborhood in Mumbai, decides to burn a pile of dry leaves in his backyard. He does this without taking any safety precautions, such as keeping a bucket of water nearby or ensuring the fire is contained. Due to his negligence, the fire spreads to his neighbor's house, causing significant damage and putting the lives of the residents at risk. Under Section 287 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged for negligent conduct with respect to fire, as his actions endangered human life and caused injury to others.

Example 2:

Priya, a shop owner in Delhi, stores large quantities of fireworks in her shop without following the necessary safety regulations. She fails to install fire extinguishers or maintain proper ventilation. One day, a small spark from an electrical short circuit ignites the fireworks, leading to a massive explosion. The explosion injures several people in the vicinity and causes extensive property damage. Priya's failure to take adequate precautions with the combustible matter in her possession makes her liable under Section 287 of The Bharatiya Nyaya Sanhita 2023 for negligent conduct, as her negligence resulted in probable danger to human life and injury to others.

Section 288: Negligent conduct with respect to explosive substance.

Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone uses an explosive substance in a careless or reckless way that could put people's lives in danger or cause injury to someone else, or

If someone has an explosive substance and doesn't take proper precautions to prevent it from being dangerous to people,

That person can be punished with up to six months in jail, or a fine up to five thousand rupees, or both.

Explanation using Example

Example 1:

Ravi, a construction worker in Mumbai, was responsible for handling dynamite for demolition purposes. One day, he carelessly left a stick of dynamite unattended at the construction site without proper safety measures. A group of children playing nearby found the dynamite and, not knowing what it was, started playing with it. Fortunately, a supervisor noticed the situation and managed to secure the dynamite before any harm occurred. However, Ravi's negligent conduct with the explosive substance endangered human life and could have caused serious injury. Under Section 288 of The Bharatiya Nyaya Sanhita 2023, Ravi could be punished with imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Example 2:

Priya, a fireworks manufacturer in Chennai, stored large quantities of firecrackers in her warehouse. Despite knowing the risks, she failed to implement adequate safety measures, such as proper ventilation and fire extinguishers. One day, due to a minor electrical short circuit, a fire broke out in the warehouse. The fire quickly spread, causing several explosions and injuring nearby residents. Priya's negligent conduct in not taking sufficient precautions with the explosive substances in her possession led to probable danger to human life. Under Section 288 of The Bharatiya Nyaya Sanhita 2023, Priya could face imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Section 289: Negligent conduct with respect to machinery.

Whoever does, with any machinery, any act so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery, shall be punished with

imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone uses any machine in a careless or reckless way that could put people's lives in danger or cause harm to someone else, or

If someone has a machine and doesn't take proper steps to make sure it is safe and doesn't pose a danger to people,

That person can be punished with up to six months in jail, or a fine up to five thousand rupees, or both.

Explanation using Example

Example 1:

Ravi is the owner of a small manufacturing unit in Mumbai. He has a large industrial machine that is used to cut metal sheets. One day, Ravi notices that the safety guard on the machine is broken, but he decides to continue using the machine without repairing it. During operation, the machine malfunctions and a worker, Suresh, gets injured because there was no safety guard. Under Section 289 of The Bharatiya Nyaya Sanhita 2023, Ravi can be held liable for negligent conduct with respect to machinery. He could face imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Example 2:

Priya runs a textile factory in Chennai. She recently purchased a new sewing machine that has a faulty electrical wiring. Priya is aware of the issue but does not take any steps to fix it or warn her employees. One day, the machine causes an electrical short circuit, leading to a fire that injures several workers. Under Section 289 of The Bharatiya Nyaya Sanhita 2023, Priya can be held responsible for negligently omitting to take proper care of the machinery, thereby endangering human life. She could be punished with imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Section 290: Negligent conduct with respect to pulling down, repairing or constructing buildings, etc.

Whoever, in pulling down, repairing or constructing any building, knowingly or negligently omits to take such measures with that building as is sufficient to

guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone is tearing down, fixing, or building any structure and they either knowingly or carelessly fail to take enough safety measures to prevent any likely danger to people's lives from the building or any part of it falling, they can be punished.

The punishment can be:

Up to six months in jail, or

A fine up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ramesh is a contractor hired to demolish an old building in a busy market area in Mumbai. While pulling down the building, Ramesh fails to put up safety barriers and warning signs around the demolition site. As a result, a part of the building collapses onto the street, injuring several pedestrians. Under Section 290 of The Bharatiya Nyaya Sanhita 2023, Ramesh can be held liable for negligent conduct and may face imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Example 2:

Sunita is a builder overseeing the construction of a new apartment complex in Delhi. During the construction, she neglects to secure the scaffolding properly. One day, the scaffolding collapses, causing serious injuries to several workers on the site. Sunita's failure to take adequate safety measures constitutes negligent conduct under Section 290 of The Bharatiya Nyaya Sanhita 2023. She could be punished with imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Section 291: Negligent conduct with respect to animal.

Whoever knowingly or negligently omits to take such measures with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone has an animal and they either knowingly or carelessly fail to take the necessary steps to prevent the animal from causing possible danger to human life or serious injury, they can be punished.

The punishment can be:

Up to six months in jail, or

A fine of up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi owns a large and aggressive dog in a densely populated neighborhood in Mumbai. Despite knowing the dog's aggressive nature, Ravi often leaves the gate of his house open, allowing the dog to roam freely. One day, the dog attacks a passerby, causing serious injuries. Under Section 291 of The Bharatiya Nyaya Sanhita 2023, Ravi can be held liable for negligent conduct with respect to his animal. He could face imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Example 2:

Sunita has a pet snake that she keeps in her apartment in Delhi. She knows that the snake is venomous and could pose a danger to others. However, she fails to secure the snake properly in its enclosure. One evening, the snake escapes and bites a neighbor's child, causing grievous hurt. Sunita's failure to take adequate measures to prevent the probable danger posed by her pet snake makes her liable under Section 291 of The Bharatiya Nyaya Sanhita 2023. She could be punished with imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Section 292: Punishment for public nuisance in cases not otherwise provided for.

Whoever commits a public nuisance in any case not otherwise punishable by this Sanhita shall be punished with fine which may extend to one thousand rupees.

Simplified Acts

If someone causes a public nuisance and there is no other specific punishment mentioned for it in this law, they can be fined up to one thousand rupees.

Explanation using Example

Example 1:

Ravi, a street vendor, sets up his food stall in the middle of a busy sidewalk, obstructing the path for pedestrians. Despite multiple warnings from local authorities, he continues to operate his stall at the same spot, causing inconvenience to the public. Since there is no specific provision in the Bharatiya Nyaya Sanhita 2023 that addresses this particular nuisance, Ravi is fined Rs. 1,000 under Section 292 for creating a public nuisance.

Example 2:

Priya, a resident of a densely populated neighborhood, frequently burns garbage in her backyard, causing thick smoke and a foul smell to spread throughout the area. This act disturbs the peace and health of her neighbors. As there is no other specific law under the Bharatiya Nyaya Sanhita 2023 that deals with this type of nuisance, Priya is fined Rs. 1,000 under Section 292 for causing a public nuisance.

Section 293: Continuance of nuisance after injunction to discontinue.

Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees or with both.

Simplified Acts

If someone keeps causing a public nuisance after being told by an authorized public official to stop, they can be punished.

The punishment can be:

Simple imprisonment for up to six months, or

A fine of up to five thousand rupees, or

Both imprisonment and a fine.

Explanation using Example

Example 1:

Ramesh owns a factory in a residential area of Mumbai. The factory emits loud noises and releases harmful smoke, causing discomfort and health issues to the residents. The local municipal authority, which has the lawful authority, issues an injunction ordering Ramesh to stop the noise and smoke emissions. Despite the injunction, Ramesh continues to operate the factory without making any changes to reduce the nuisance. As a result, Ramesh is charged under Section 293 of The Bharatiya Nyaya Sanhita 2023 and faces the possibility of up to six months of simple imprisonment, a fine of up to five thousand rupees, or both.

Example 2:

Sunita runs a roadside eatery in Delhi that frequently blocks the sidewalk, forcing pedestrians to walk on the road and causing inconvenience and safety hazards. The local police, having lawful authority, issue an injunction ordering Sunita to clear the sidewalk and not to obstruct it again. However, Sunita ignores the injunction and continues to place tables and chairs on the sidewalk. Consequently, Sunita is prosecuted under Section 293 of The Bharatiya Nyaya Sanhita 2023 and may be punished with simple imprisonment for up to six months, a fine of up to five thousand rupees, or both.

Section 294: Sale, etc., of obscene books, etc.

(1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, including display of any content in electronic form shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it

comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

(2) Whoever -

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever in whatever manner; or

(b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation; or

(c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation; or

(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person; or

(e) offers or attempts to do any act which is an offence under this section,

shall be punished on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to five thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to ten thousand rupees.

Exception

This section does not extend to -

(a) any book, pamphlet, paper, writing, drawing, painting, representation or figure -

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other objects of general concern; or

(ii) which is kept or used bona fide for religious purposes;

(b) any representation sculptured, engraved, painted or otherwise represented on or in -

(i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958; or

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

Simplified Acts

(1) For the purposes of sub-section (2), something like a book, pamphlet, paper, writing, drawing, painting, representation, figure, or any other object, including anything shown electronically, will be considered obscene if it is sexually explicit or intended to arouse sexual interest, or if its overall effect is to corrupt or morally degrade people who are likely to read, see, or hear it.

(2) Anyone who:

(a) sells, rents, distributes, publicly shows, or circulates any obscene book, pamphlet, paper, drawing, painting, representation, figure, or any other obscene object, or makes, produces, or possesses such items for these purposes; or

(b) imports, exports, or transports any obscene object for the purposes mentioned above, or knows or has reason to believe that such an object will be sold, rented, distributed, or publicly shown; or

(c) participates in or profits from any business where they know or have reason to believe that obscene objects are made, produced, bought, kept, imported, exported, transported, publicly shown, or circulated for the purposes mentioned above; or

(d) advertises or informs others by any means that someone is involved in or ready to engage in any act that is an offense under this section, or that any obscene object can be obtained from or through any person; or

(e) offers or tries to do any act that is an offense under this section,

will be punished on the first conviction with imprisonment for up to two years and a fine of up to five thousand rupees. For a second or subsequent conviction, the punishment will be imprisonment for up to five years and a fine of up to ten thousand rupees.

Exception

This section does not apply to:

(a) any book, pamphlet, paper, writing, drawing, painting, representation, or figure:

(i) if it is proven to be published for the public good because it is in the interest of science, literature, art, learning, or other important matters; or

(ii) if it is kept or used genuinely for religious purposes;

(b) any representation sculpted, engraved, painted, or otherwise shown on or in:

(i) any ancient monument as defined by the Ancient Monuments and Archaeological Sites and Remains Act, 1958; or

(ii) any temple, or on any vehicle used for carrying idols, or kept or used for any religious purpose.

Explanation using Example

Example 1:

Ravi owns a small bookstore in Mumbai. He receives a shipment of books from an overseas supplier. Upon inspection, he finds that some of the books contain explicit and obscene content. Despite knowing the nature of these books, Ravi decides to sell them to his customers. One day, a customer files a complaint with the local police about the obscene content in the books sold by Ravi. The police investigate and find that Ravi has been selling these obscene books. Under Section 294 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged for selling obscene books and may face imprisonment for up to two years and a fine of up to five thousand rupees for his first conviction.

Example 2:

Priya runs an art gallery in Delhi. She decides to exhibit a series of paintings that are highly explicit and lascivious in nature. The exhibition is open to the public, and many visitors, including minors, attend the event. Some visitors find the paintings offensive and file a complaint with the authorities. The police investigate and determine that the paintings are obscene and tend to deprave and corrupt the viewers. Under Section 294 of The Bharatiya Nyaya Sanhita 2023, Priya can be charged for publicly exhibiting obscene paintings and may face imprisonment for up to two years and a fine of up to five thousand rupees for her first conviction.

Example 3:

Amit runs a website that hosts various types of content, including videos and images. He uploads several videos that contain explicit and obscene material. The website is accessible to the general public, including minors. A concerned parent discovers that their child has accessed the obscene content on Amit's website and files a complaint with the cybercrime division. The authorities investigate and find that Amit has knowingly uploaded and distributed obscene content. Under Section 294 of The Bharatiya Nyaya Sanhita 2023, Amit can be charged for distributing obscene content in electronic form and may face imprisonment for up to two years and a fine of up to five thousand rupees for his first conviction.

Example 4:

Sunil is an importer of various goods, including magazines and DVDs. He imports a batch of magazines that contain explicit and obscene images. Sunil is aware of the content but decides to distribute the magazines to various vendors across the city. One of the vendors is caught selling the obscene magazines, and the authorities trace the source back to Sunil. Under Section 294 of The Bharatiya Nyaya Sanhita 2023, Sunil can be charged for importing and distributing obscene objects and may face imprisonment for up to two years and a fine of up to five thousand rupees for his first conviction.

Example 5:

Meera is an artist who creates sculptures. She makes a series of sculptures that are highly explicit and obscene. She advertises her sculptures online, stating that they are available for purchase. A potential buyer, offended by the explicit nature of the sculptures, reports the advertisement to the authorities. The police investigate and find that Meera's sculptures are obscene and that she is advertising them for sale. Under Section 294 of The Bharatiya Nyaya

Sanhita 2023, Meera can be charged for advertising and attempting to sell obscene objects and may face imprisonment for up to two years and a fine of up to five thousand rupees for her first conviction.

Section 295: Sale, etc., of obscene objects to child.

Whoever sells, lets to hire, distributes, exhibits or circulates to any child any such obscene object as is referred to in section 294, or offers or attempts so to do, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.

Simplified Acts

If someone sells, rents out, gives away, shows, or shares any obscene object to a child (as described in section 294), or tries to do any of these things, they will face the following punishments:

For the first time they are caught and convicted, they can be sent to jail for up to three years and fined up to two thousand rupees.

If they are caught and convicted again, they can be sent to jail for up to seven years and fined up to five thousand rupees.

Explanation using Example

Example 1:

Ravi owns a small bookstore in Mumbai. One day, a 14-year-old boy named Arjun comes into the store and asks for a magazine that contains explicit adult content. Ravi, knowing the boy is underage, sells the magazine to him anyway. A concerned customer witnesses this transaction and reports it to the police. Ravi is arrested and charged under Section 295 of The Bharatiya Nyaya Sanhita 2023. On his first conviction, Ravi is sentenced to two years in prison and fined Rs. 2,000.

Example 2:

Meena runs a DVD rental shop in Delhi. She has a collection of adult movies that are kept in a separate section of the store. One day, a 16-year-old girl

named Priya comes in and asks to rent one of these adult movies. Meena, aware of Priya's age, still rents the movie to her. Priya's parents find out and file a complaint with the authorities. Meena is arrested and charged under Section 295. Since this is her second offense, she is sentenced to six years in prison and fined Rs. 5,000.

Section 296: Obscene acts and songs.

Whoever, to the annoyance of others, -

(a) does any obscene act in any public place; or

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Simplified Acts

If someone does something that bothers other people, -

(a) does anything offensive or inappropriate in a public place; or

(b) sings, says, or recites any offensive or inappropriate song, poem, or words in or near a public place,

they can be punished with up to three months in jail, a fine of up to one thousand rupees, or both.

Explanation using Example

Example 1:

Rahul is at a busy marketplace in Delhi. He starts performing a dance that involves explicit and vulgar gestures, which makes the people around him uncomfortable and annoyed. According to Section 296 of The Bharatiya Nyaya Sanhita 2023, Rahul's actions constitute an obscene act in a public place. As a result, he can be punished with imprisonment for up to three months, a fine of up to one thousand rupees, or both.

Example 2:

During a public festival in Mumbai, Ajay takes a microphone and starts singing a song with extremely offensive and obscene lyrics. The families and children present at the festival feel disturbed and annoyed by his performance. Under Section 296 of The Bharatiya Nyaya Sanhita 2023, Ajay's act of singing obscene songs in a public place is punishable by imprisonment for up to three months, a fine of up to one thousand rupees, or both.

Section 297: Keeping lottery office.

(1) Whoever keeps any office or place for the purpose of drawing any lottery not being a State lottery or a lottery authorised by the State Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(2) Whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear from doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to five thousand rupees.

Simplified Acts

(1) If anyone runs a place or office to organize a lottery that is not a State lottery or not approved by the State Government, they can be punished with up to six months in jail, a fine, or both.

(2) If anyone advertises or announces that they will pay money, give goods, or do something for someone based on the outcome of a ticket, number, or figure in such an unauthorized lottery, they can be fined up to five thousand rupees.

Explanation using Example

Example 1:

Ravi runs a small shop in his neighborhood in Mumbai. To attract more customers, he decides to start a lottery where people can buy tickets for ₹50 each, and the winner will get a new smartphone. Ravi does not have any authorization from the State Government to run this lottery. According to Section 297 of The Bharatiya Nyaya Sanhita 2023, Ravi is keeping a place for the purpose of drawing a lottery that is not authorized by the State Government. If caught, Ravi could be punished with imprisonment for up to six months, a fine, or both.

Example 2:

Priya, a resident of Delhi, creates a Facebook page where she announces a lottery. She promises that the winner will receive ₹10,000. She sells tickets online for ₹100 each. Priya does not have any authorization from the State Government to conduct this lottery. Additionally, she publishes posts on her Facebook page proposing to pay the prize money based on the drawing of tickets. According to Section 297 of The Bharatiya Nyaya Sanhita 2023, Priya is not only keeping a place for an unauthorized lottery but also publishing proposals related to it. She could be fined up to ₹5,000 for publishing such proposals and could also face imprisonment for up to six months, a fine, or both for running the unauthorized lottery.

CHAPTER XVI: OF OFFENCES RELATING TO RELIGION

Section 298: Injuring or defiling place of worship with intent to insult religion of any class.

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone destroys, damages, or defiles a place of worship or any sacred object with the intention of insulting a religion or knowing that it will likely be seen as an insult to that religion, they can be punished.

The punishment can be:

Up to two years in prison,

A fine,

Or both prison and a fine.

Explanation using Example

Example 1:

Ravi, a resident of a small village, harbors a grudge against a particular religious community. One night, he sneaks into a temple belonging to that community and smashes several idols that are considered sacred by the worshippers. His actions are discovered the next morning, causing outrage among the community members. Ravi's intention was to insult the religion of that community. Under Section 298 of the Bharatiya Nyaya Sanhita 2023, Ravi can be charged for injuring or defiling a place of worship with the intent to insult the religion of that class of persons. He could face imprisonment for up to two years, a fine, or both.

Example 2:

During a heated political rally, a speaker named Anil makes derogatory remarks about a particular religion and encourages his followers to deface a mosque in the nearby town. Following his speech, a group of his followers vandalizes the mosque, spray-painting offensive symbols and slogans on its walls. The act is intended to insult the religion of the people who worship at the mosque. Under Section 298 of the Bharatiya Nyaya Sanhita 2023, both Anil and his followers can be charged for defiling a place of worship with the intent to insult the religion of that class of persons. They could face imprisonment for up to two years, a fine, or both.

Section 299: Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or through electronic means or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Simplified Acts

Anyone who, on purpose and with bad intentions, tries to hurt the religious feelings of any group of people in India by saying or writing something, using signs, showing pictures, or through electronic means, or in any other way, insults or tries to insult their religion or religious beliefs, can be punished. The punishment can be up to three years in jail, a fine, or both.

Explanation using Example

Example 1:

Rahul, a social media influencer, posts a video on his YouTube channel where he deliberately mocks and insults the religious practices of a particular community. He uses derogatory language and makes offensive gestures aimed at ridiculing their religious beliefs. Members of the community feel deeply hurt and outraged by the video. Rahul's actions are seen as having a malicious intent to outrage the religious feelings of that community. Under Section 299 of The Bharatiya Nyaya Sanhita 2023, Rahul can be prosecuted and, if found guilty, could face imprisonment for up to three years, a fine, or both.

Example 2:

Priya, an artist, creates a painting that depicts a revered religious figure of a certain religion in a highly disrespectful and offensive manner. She then displays this painting in a public art gallery. The depiction is seen as an insult to the religious beliefs of the followers of that religion, and it causes widespread anger and distress among them. Priya's deliberate act of displaying the painting with the intention of outraging the religious feelings of that community falls under Section 299 of The Bharatiya Nyaya Sanhita 2023. She could be charged and, if convicted, could face imprisonment for up to three years, a fine, or both.

Section 300: Disturbing religious assembly.

Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Simplified Acts

If someone intentionally disrupts a group of people who are legally performing religious worship or ceremonies, they can be punished.

The punishment can be:

Up to one year in jail, or

A fine, or

Both jail time and a fine.

Explanation using Example

Example 1:

Rahul, a resident of Mumbai, enters a local temple during a religious ceremony and starts playing loud music on his portable speaker, disrupting the prayers and rituals being performed. The devotees are unable to continue their worship due to the noise. Rahul's actions cause a disturbance to the assembly lawfully engaged in religious worship. Under Section 300 of The Bharatiya Nyaya Sanhita 2023, Rahul can be punished with imprisonment for up to one year, a fine, or both.

Example 2:

During a peaceful Eid prayer gathering in a public park in Delhi, Anil, who is opposed to the gathering, starts shouting offensive slogans and throwing stones at the participants. His actions cause panic and disrupt the religious ceremony. Anil's behavior constitutes a disturbance to an assembly lawfully engaged in religious worship. According to Section 300 of The Bharatiya Nyaya Sanhita 2023, Anil can face imprisonment for up to one year, a fine, or both.

Section 301: Trespassing on burial places, etc.

Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulchre, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Simplified Acts

If someone intentionally tries to hurt another person's feelings or insult their religion, or knows that their actions are likely to hurt someone's feelings or insult their religion, and they:

Enter a place of worship or a burial site without permission,

Disrespect a place where funeral rites are performed or where the dead are kept,

Disrespect a human corpse,

Disturb people gathered for a funeral,

They can be punished with:

Up to one year in jail,

A fine,

Or both jail time and a fine.

Explanation using Example

Example 1:

Rahul, a local resident, enters a Hindu cremation ground without permission and starts playing loud music during a funeral ceremony. His actions disturb the grieving family and the attendees. Rahul's intention was to disrupt the ceremony because he had a personal grudge against the family. Under Section 301 of The Bharatiya Nyaya Sanhita 2023, Rahul can be charged with trespassing on a burial place and causing disturbance to persons assembled for the performance of funeral ceremonies. He may face imprisonment for up to one year, a fine, or both.

Example 2:

A group of individuals, with the intention of insulting the religious sentiments of the Muslim community, vandalizes a graveyard by breaking tombstones and writing offensive graffiti. Their actions are aimed at wounding the feelings of the community and insulting their religion. Under Section 301 of The Bharatiya Nyaya Sanhita 2023, these individuals can be charged with trespassing on a place of sepulchre and offering indignity to human remains. They may face imprisonment for up to one year, a fine, or both.

Section 302: Uttering words, etc., with deliberate intent to wound religious feelings of any person.

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Simplified Acts

If someone intentionally tries to hurt another person's religious feelings by:

Saying something,

Making a sound that the person can hear,

Making a gesture that the person can see, or

Placing an object where the person can see it,

they can be punished with:

Up to one year in jail,

A fine, or

Both jail time and a fine.

Explanation using Example

Example 1:

Rahul, during a heated argument with his neighbor, deliberately insults the neighbor's religious beliefs by making derogatory comments about their deity. The neighbor, feeling deeply hurt and offended, files a complaint against Rahul. Under Section 302 of The Bharatiya Nyaya Sanhita 2023, Rahul could be punished with imprisonment for up to one year, a fine, or both, for intentionally wounding the religious feelings of his neighbor.

Example 2:

In a public park, Priya places a highly offensive and blasphemous poster about a particular religion in a location where she knows members of that religion frequently gather. Several people from that religious community see the poster and are deeply hurt and offended. They report the incident to the police. Priya could be charged under Section 302 of The Bharatiya Nyaya Sanhita 2023 for deliberately intending to wound the religious feelings of those individuals, and she may face imprisonment for up to one year, a fine, or both.

CHAPTER XVII: OF OFFENCES AGAINST PROPERTY

OF THEFT

Section 303: Theft.

Section (1)

Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Explanations

Explanation 1: A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2: A moving effected by the same act which affects the severance may be a theft.

Explanation 3: A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it.

Explanation 4: A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5: The consent mentioned in this section may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(d) A being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.

(e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

(f) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

(g) A finds a ring lying on the highroad, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.

(h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(i) A delivers his watch to Z, a jeweler, to be regulated. Z carries it to his shop. A, not owing to the jeweler any debt for which the jeweler might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, in as much as what he did was not done dishonestly.

(j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession, with the intention of depriving Z of the property as a security for his debt, he commits theft, in as much as he takes it dishonestly.

(k) Again, if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property in as much as he takes it dishonestly.

(l) A takes an article belonging to Z out of Z's possession without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly; A has therefore committed theft.

(m) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A

may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(n) A asks charity from Z's wife. She gives A money, food and clothes, which A knows to belong to Z her husband. Here it is probable that A may conceive that Z's wife is authorised to give away alms. If this was A's impression, A has not committed theft.

(o) A is the paramour of Z's wife. She gives a valuable property, which A knows to belong to her husband Z, and to be such property as she has no authority from Z to give. If A takes the property dishonestly, he commits theft.

(p) A, in good faith, believing property belonging to Z to be A's own property, takes that property out of Z's possession. Here, as A does not take dishonestly, he does not commit theft.

Section (2) - Punishment for Theft

Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both and in case of second or subsequent conviction of any person under this section, he shall be punished with rigorous imprisonment for a term which shall not be less than one year but which may extend to five years and with fine:

Provided that in cases of theft where the value of the stolen property is less than five thousand rupees, and a person is convicted for the first time, shall upon return of the value of property or restoration of the stolen property, shall be punished with community service.

Simplified Acts

Section (1) - Theft

If someone takes any movable property from another person without their permission and intends to do so dishonestly, they are committing theft.

Explanations

Explanation 1: If something is attached to the ground, it is not considered movable property and cannot be stolen. But once it is detached from the ground, it can be stolen.

Explanation 2: If the act of moving something also involves detaching it from the ground, it can be considered theft.

Explanation 3: A person can be said to move something not only by physically moving it but also by removing any obstacle that prevents it from moving or by separating it from something else.

Explanation 4: If a person causes an animal to move, they are considered to have moved the animal and anything that moves because of the animal.

Explanation 5: The permission mentioned in this section can be either clearly given or implied, and it can be given by the person who owns the property or someone authorized to give permission.

Illustrations

(a) If A cuts down a tree on Z's land intending to take it without Z's permission, A commits theft as soon as the tree is cut down.

(b) If A uses bait to make Z's dog follow him with the intention of taking the dog without Z's permission, A commits theft as soon as the dog starts following him.

(c) If A drives a bullock carrying a box of treasure in a certain direction to take the treasure dishonestly, A commits theft as soon as the bullock starts moving.

(d) If A, who is Z's servant, runs away with Z's plate without Z's permission, A commits theft.

(e) If Z leaves his plate with A, a warehouse keeper, and A sells it, A has not committed theft because the plate was not in Z's possession, but A may have committed another crime.

(f) If A finds Z's ring on a table in Z's house and takes it dishonestly, A commits theft.

(g) If A finds a ring on the road that does not belong to anyone, taking it is not theft, but it may be another crime.

(h) If A hides Z's ring with the intention of taking it later, A commits theft as soon as he moves the ring.

(i) If A takes his watch back from Z, a jeweler, by force without owing Z any money, A has not committed theft because he did not act dishonestly.

(j) If A owes Z money for repairing the watch and takes it back without paying, A commits theft.

(k) If A takes back his pawned watch from Z without paying the loan, A commits theft.

(l) If A takes Z's property intending to keep it until Z pays a reward, A commits theft.

(m) If A takes a book from Z's library to read and intends to return it, A may not have committed theft if he believed he had Z's implied permission.

(n) If A takes money, food, or clothes from Z's wife, believing she is allowed to give them, A has not committed theft.

(o) If A takes valuable property from Z's wife knowing she is not allowed to give it, A commits theft.

(p) If A takes Z's property believing it is his own, A does not commit theft because he did not act dishonestly.

Section (2) - Punishment for Theft

Anyone who commits theft can be punished with up to three years in prison, a fine, or both. If someone is convicted of theft again, they will be punished with at least one year in prison, which can extend to five years, and a fine.

Provided that if the stolen property is worth less than five thousand rupees and it is the person's first conviction, they can be punished with community service if they return the property or its value.

Explanation using Example

Example 1:

Ravi sees a bicycle parked outside a shop. He waits until the owner, Suresh, goes inside the shop and then quickly rides away on the bicycle without Suresh's consent. Here, Ravi has committed theft as he intended to take the bicycle dishonestly out of Suresh's possession without his consent.

Example 2:

Meena finds a gold necklace lying on the ground in a crowded market. She picks it up and decides to keep it for herself, knowing that it belongs to someone else. Since the necklace was not in anyone's possession at the time

she found it, Meena has not committed theft but may be guilty of criminal misappropriation of property.

Example 3:

Arjun, a gardener, is hired to work in Mr. Sharma's garden. One day, Arjun cuts down a valuable tree in the garden and takes it home without Mr. Sharma's permission. Here, Arjun has committed theft as he severed the tree from the earth with the intention of taking it dishonestly out of Mr. Sharma's possession.

Example 4:

Priya, a domestic helper, is entrusted with the care of her employer's jewelry. One day, she takes the jewelry and runs away without her employer's consent. Priya has committed theft as she dishonestly took the jewelry out of her employer's possession.

Example 5:

Rahul sees a stray dog on the street and lures it with food to follow him home. If Rahul's intention was to take the dog out of its owner's possession without the owner's consent, he has committed theft as soon as the dog started following him.

Example 6:

Vikram, a warehouse keeper, is given a valuable painting by Mr. Kapoor to keep until he returns from a trip. Vikram sells the painting to a third party without Mr. Kapoor's consent. Here, Vikram has not committed theft as the painting was not in Mr. Kapoor's possession, but he may have committed criminal breach of trust.

Example 7:

Anita sees a ring on a table in her friend's house. She hides the ring with the intention of taking it later when her friend forgets about it. Anita has committed theft as soon as she moved the ring with the intention of taking it dishonestly.

Example 8:

Sanjay owes money to a jeweler for repairing his watch. When the jeweler retains the watch as security for the debt, Sanjay forcibly takes the watch back

without paying the debt. Sanjay has committed theft as he took the watch dishonestly out of the jeweler's possession.

Example 9:

Ramesh, believing a piece of land to be his own, takes crops from it without realizing it actually belongs to his neighbor. Since Ramesh did not act dishonestly, he has not committed theft.

Example 10:

Sunita, a friend of Neha, borrows a book from Neha's library without asking for explicit permission, intending to return it after reading. If Sunita believed she had Neha's implied consent, she has not committed theft.

Section 304: Snatching.

(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 movable 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.

Simplified Acts

Theft and Snatching

(1) Theft is called snatching if the thief suddenly, quickly, or forcefully grabs or takes away any movable property from a person or from their possession.

(2) Anyone who commits snatching can be punished with up to three years in prison and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi is walking down a busy street in Mumbai, talking on his mobile phone. Suddenly, a man on a motorcycle rides up close to Ravi, snatches the phone from his hand, and speeds away. This act of forcibly taking the phone from Ravi's possession constitutes snatching under Section 304 of the Bharatiya Nyaya Sanhita 2023. The offender, if caught, could face imprisonment for up to three years and may also be fined.

Example 2:

Priya is waiting at a bus stop in Delhi, holding her handbag. A thief approaches her quickly, grabs the handbag from her hand, and runs away. This sudden and forceful act of taking the handbag from Priya's possession is considered snatching under Section 304 of the Bharatiya Nyaya Sanhita 2023. The thief, upon being apprehended, could be sentenced to imprisonment for up to three years and may also be required to pay a fine.

Section 305: Theft in a dwelling house, or means of transportation or place of worship, etc.

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.

Simplified Acts

If someone commits theft -

(a) in any building, tent, or boat used as a home or for storing property; or

(b) of any vehicle used to transport goods or people; or

(c) of any item or goods from a vehicle used to transport goods or people; or

(d) of any idol or religious symbol from a place of worship; or

(e) of any property belonging to the Government or a local authority,

they can be punished with up to seven years in prison and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi breaks into a house in Mumbai while the owners are away on vacation and steals jewelry and cash worth ₹2,00,000. Since Ravi committed theft in a dwelling house, he can be charged under Section 305 of The Bharatiya Nyaya Sanhita 2023 and may face imprisonment for up to seven years and a fine.

Example 2:

Priya steals a laptop from a parked car in Delhi that is used by a delivery service to transport goods. Since Priya committed theft of an article from a means of transport used for the transport of goods, she can be charged under Section 305 of The Bharatiya Nyaya Sanhita 2023 and may face imprisonment for up to seven years and a fine.

Example 3:

A group of individuals breaks into a temple in Varanasi and steals a valuable idol. Since the theft involves an idol from a place of worship, the individuals can be charged under Section 305 of The Bharatiya Nyaya Sanhita 2023 and may face imprisonment for up to seven years and a fine.

Example 4:

An employee of a municipal corporation in Chennai steals office equipment worth ₹50,000 from the corporation's office. Since the theft involves property of a local authority, the employee can be charged under Section 305 of The Bharatiya Nyaya Sanhita 2023 and may face imprisonment for up to seven years and a fine.

Example 5:

A thief steals a motorcycle used by a courier service to deliver packages in Bangalore. Since the theft involves a means of transport used for the transport of goods, the thief can be charged under Section 305 of The Bharatiya Nyaya Sanhita 2023 and may face imprisonment for up to seven years and a fine.

Section 306: Theft by clerk or servant of property in possession of master.

Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his

master or employer, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

If someone is a clerk or servant, or works as a clerk or servant, and they steal any property that belongs to their boss or employer, they can be sent to prison for up to seven years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi works as a clerk in a jewelry store owned by Mr. Sharma. One day, Ravi decides to steal a gold necklace from the store's inventory and hides it in his bag. When Mr. Sharma conducts an inventory check, he notices the necklace is missing and reviews the security footage, which shows Ravi taking the necklace. Ravi is then charged under Section 306 of The Bharatiya Nyaya Sanhita 2023 for theft by a clerk of property in possession of his master.

Example 2:

Sunita is employed as a domestic servant in Mrs. Kapoor's household. Over the course of several months, Sunita secretly takes small amounts of cash from Mrs. Kapoor's purse, which is kept in the bedroom. Mrs. Kapoor eventually notices the missing money and sets up a hidden camera, which captures Sunita taking the cash. Sunita is subsequently arrested and charged under Section 306 of The Bharatiya Nyaya Sanhita 2023 for theft by a servant of property in possession of her employer.

Section 307: Theft after preparation made for causing death, hurt or restraint in order to committing of theft. Of extortion

Whoever commits theft, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Illustrations

(a) A commits theft on property in Z's possession; and while committing this theft, he has a loaded pistol under his garment, having provided this pistol for

the purpose of hurting Z in case Z should resist. A has committed the offence defined in this section.

(b) A picks Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this section.

Simplified Acts

If someone commits theft and has made plans to cause death, injury, restraint, or fear of death, injury, or restraint to any person in order to commit the theft, escape after the theft, or keep the stolen property, they can be punished with up to ten years in prison and may also have to pay a fine.

Examples

(a) A steals property that Z owns. While stealing, A has a loaded gun hidden in his clothes, which he brought to hurt Z if Z tries to stop him. A has committed the crime described in this section.

(b) A picks Z's pocket and has several friends nearby to hold Z back if Z notices the theft and tries to stop or catch A. A has committed the crime described in this section.

Explanation using Example

Example 1:

Ravi plans to steal a valuable necklace from a jewelry store. To ensure his escape, he carries a knife with him, intending to use it to threaten or harm anyone who tries to stop him. During the theft, the store owner, Mr. Sharma, notices Ravi and tries to intervene. Ravi brandishes the knife, causing Mr. Sharma to back off in fear. Ravi successfully steals the necklace and escapes. In this scenario, Ravi has committed theft with preparation to cause hurt or fear of hurt, which falls under Section 307 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Sunil decides to rob a bank and makes detailed plans to ensure his success. He and his accomplices bring firearms to the bank, intending to use them to intimidate the staff and customers. During the robbery, Sunil's accomplices hold the bank manager, Ms. Gupta, at gunpoint to prevent her from triggering

the alarm. Sunil and his team manage to steal a large sum of money and flee the scene. Here, Sunil and his accomplices have committed theft with preparation to cause fear of death or restraint, which is punishable under Section 307 of The Bharatiya Nyaya Sanhita 2023.

OF EXTORTION

Section 308: Extortion.

(1) Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property, or valuable security or anything signed or sealed which may be converted into a valuable security, commits extortion.

Illustrations

(a) A threatens to publish a defamatory libel concerning Z unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(b) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(c) A threatens to send club-men to plough up Z's field unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

(d) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

(e) A threatens Z by sending a message through an electronic device that "Your child is in my possession, and will be put to death unless you send me one lakh rupees." A thus induces Z to give him money. A has committed extortion.

(2) Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(3) Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear, of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(4) Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(5) Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(6) Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation, against that person or any other, of having committed, or attempted to commit, an offence punishable with death or with imprisonment for life, or with imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(7) Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with imprisonment for life, or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

(1) If someone makes another person scared of getting hurt, and because of this fear, the scared person gives them money, property, or anything valuable, it is called extortion.

Examples

(a) A threatens to spread a false, damaging story about Z unless Z gives him money. Z gives him the money. A has committed extortion.

(b) A threatens to keep Z's child locked up unless Z signs a note promising to pay A money. Z signs the note. A has committed extortion.

(c) A threatens to send people to ruin Z's field unless Z signs a bond to give certain produce to B. Z signs the bond. A has committed extortion.

(d) A scares Z by threatening serious injury, and Z signs a blank paper and gives it to A. The paper can be turned into something valuable. A has committed extortion.

(e) A sends a message saying he will kill Z's child unless Z sends him one lakh rupees. Z gives him the money. A has committed extortion.

(2) If someone commits extortion, they can be jailed for up to seven years, fined, or both.

(3) If someone scares or tries to scare another person to commit extortion, they can be jailed for up to two years, fined, or both.

(4) If someone scares or tries to scare another person with the fear of death or serious injury to commit extortion, they can be jailed for up to seven years and fined.

(5) If someone commits extortion by scaring another person with the fear of death or serious injury, they can be jailed for up to ten years and fined.

(6) If someone scares or tries to scare another person by accusing them of a serious crime (punishable by death, life imprisonment, or imprisonment up to ten years) to commit extortion, they can be jailed for up to ten years and fined.

(7) If someone commits extortion by accusing another person of a serious crime (punishable by death, life imprisonment, or imprisonment up to ten years), they can be jailed for up to ten years and fined.

Explanation using Example

Example 1:

Ravi, a local goon, threatens Priya that he will harm her family if she does not give him her gold jewelry. Priya, fearing for her family's safety, hands over the jewelry to Ravi. Ravi has committed extortion under Section 308 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Sunil sends a message to Rajesh through WhatsApp stating, "I have kidnapped your daughter. If you do not transfer ₹5 lakhs to my account by tonight, you will never see her again." Rajesh, terrified, transfers the money to Sunil's account. Sunil has committed extortion by putting Rajesh in fear of death or grievous hurt to his daughter.

Example 3:

Anil threatens his business partner, Mohan, that he will falsely accuse him of embezzlement, which is punishable by a long prison term, unless Mohan signs over his share of the business to Anil. Mohan, fearing the false accusation, signs the documents. Anil has committed extortion by putting Mohan in fear of an accusation of a serious crime.

Example 4:

Vikram, a local politician, threatens to release compromising photos of Suresh unless Suresh agrees to pay him ₹2 lakhs. Suresh, fearing the damage to his reputation, pays the money. Vikram has committed extortion by putting Suresh in fear of injury to his reputation.

Example 5:

Ramesh, a gang leader, tells a shop owner, "If you do not pay us ₹10,000 every month, we will burn down your shop." The shop owner, fearing the loss of his livelihood, agrees to pay the money. Ramesh has committed extortion by putting the shop owner in fear of injury to his property.

Section 309: Robbery.

- (1) In all robbery there is either theft or extortion.
- (2) Theft is robbery if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt, or of instant wrongful restraint.
- (3) Extortion is robbery if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

Explanation: The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

Illustrations

(a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.

(b) A meets Z on the high road, shows a pistol, and demands Z's purse. Z, in consequence, surrenders his purse. Here A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

(c) A meets Z and Z's child on the high road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z, in consequence, delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

(d) A obtains property from Z by saying-"Your child is in the hands of my gang, and will be put to death unless you send us ten thousand rupees". This is extortion, and punishable as such; but it is not robbery, unless Z is put in fear of the instant death of his child.

(4) Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and, if the robbery be committed on the highway between sunset and sunrise, the imprisonment may be extended to fourteen years.

(5) Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

(6) If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

(1) Robbery always involves either theft or extortion.

(2) Theft becomes robbery if, during the theft or while escaping with stolen property, the thief intentionally causes or tries to cause death, injury, wrongful

restraint, or fear of immediate death, injury, or wrongful restraint to any person.

(3) Extortion becomes robbery if, at the time of the extortion, the offender is near enough to make the victim fear immediate death, injury, or wrongful restraint, and uses that fear to make the victim give up their property right then and there.

Explanation: The offender is considered present if they are close enough to make the victim fear immediate death, injury, or wrongful restraint.

Examples

(a) A holds Z down and steals Z's money and jewelry without Z's consent. A has committed theft and caused wrongful restraint to Z. Therefore, A has committed robbery.

(b) A meets Z on the road, shows a pistol, and demands Z's purse. Z, out of fear, gives up the purse. A has used fear to extort the purse while being present. Therefore, A has committed robbery.

(c) A meets Z and Z's child on the road. A takes the child and threatens to throw the child off a cliff unless Z gives up his purse. Z, out of fear for the child's safety, gives up the purse. A has used fear of harm to the child to extort the purse while being present. Therefore, A has committed robbery on Z.

(d) A gets property from Z by saying, "Your child is with my gang and will be killed unless you give us ten thousand rupees." This is extortion and punishable, but not robbery unless Z fears immediate harm to the child.

(4) Anyone who commits robbery can be punished with rigorous imprisonment for up to ten years and may also have to pay a fine. If the robbery happens on a highway between sunset and sunrise, the imprisonment can extend to fourteen years.

(5) Anyone who attempts to commit robbery can be punished with rigorous imprisonment for up to seven years and may also have to pay a fine.

(6) If someone hurts another person while committing or attempting to commit robbery, they and anyone else involved can be punished with life imprisonment or rigorous imprisonment for up to ten years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi is walking home late at night when he is approached by a man named Arjun. Arjun pulls out a knife and demands Ravi's wallet. Fearing for his life, Ravi hands over his wallet. In this scenario, Arjun has committed robbery because he used the threat of instant hurt to extort Ravi's wallet.

Example 2:

Priya is shopping in a crowded market when she feels someone grab her purse. She turns around to see a man, Vikram, running away with her purse. Priya chases Vikram, and he pushes her to the ground to escape. In this case, Vikram has committed robbery because he used force (pushing Priya) to carry away the stolen property.

Example 3:

Sunil is driving on a highway when he is stopped by a group of men. One of the men, Raj, points a gun at Sunil and demands his car keys. Sunil, fearing for his life, hands over the keys. Raj and his group then drive away with Sunil's car. Here, Raj has committed robbery because he used the threat of instant death to extort the car keys from Sunil.

Example 4:

Anita is walking with her child in a park when a man, Suresh, grabs her child and threatens to harm the child unless Anita gives him her jewelry. Terrified for her child's safety, Anita hands over her jewelry. In this scenario, Suresh has committed robbery because he used the threat of instant hurt to Anita's child to extort the jewelry.

Example 5:

Manoj receives a phone call from someone claiming to have kidnapped his daughter. The caller demands ₹10,000 for her safe return. Manoj, believing the threat to be immediate, arranges to pay the money. However, the caller is not present and does not cause immediate fear of harm. This is extortion, not robbery, because the threat was not immediate and the caller was not present.

Example 6:

Late at night, Ramesh is walking on a deserted road when he is confronted by two men, Ajay and Vijay. Ajay holds Ramesh down while Vijay takes his phone

and wallet. In this case, both Ajay and Vijay have committed robbery because they used wrongful restraint and force to take Ramesh's belongings.

Example 7:

During a festival, Neha is in a crowded area when she feels someone trying to take her necklace. She turns around and sees a woman, Meera, trying to snatch it. Neha resists, and Meera hits her to take the necklace. Here, Meera has committed robbery because she used force (hitting Neha) to steal the necklace.

Example 8:

A group of friends, including Rohit and Sameer, plan to rob a jewelry store. During the robbery, Rohit hits the store owner to take the jewelry. Both Rohit and Sameer are caught by the police. In this scenario, both Rohit and Sameer are guilty of robbery because they were jointly involved, and Rohit caused hurt during the robbery.

Section 310: Dacoity.

(1) When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit dacoity.

(2) Whoever commits dacoity shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(3) If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or imprisonment for life, or rigorous imprisonment for a term which shall not be less than ten years, and shall also be liable to fine.

(4) Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(5) Whoever is one of five or more persons assembled for the purpose of committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

(6) Whoever belongs to a gang of persons associated for the purpose of habitually committing dacoity, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

(1) If five or more people together commit or try to commit a robbery, or if the total number of people involved in committing or trying to commit a robbery, including those helping, is five or more, then everyone involved is considered to be committing dacoity.

(2) Anyone who commits dacoity can be punished with life imprisonment or rigorous imprisonment for up to ten years, and they may also have to pay a fine.

(3) If any one of the five or more people committing dacoity kills someone while doing so, then all of them can be punished with death, life imprisonment, or rigorous imprisonment for at least ten years, and they may also have to pay a fine.

(4) Anyone who prepares to commit dacoity can be punished with rigorous imprisonment for up to ten years, and they may also have to pay a fine.

(5) Anyone who is part of a group of five or more people gathered to commit dacoity can be punished with rigorous imprisonment for up to seven years, and they may also have to pay a fine.

(6) Anyone who is part of a gang that regularly commits dacoity can be punished with life imprisonment or rigorous imprisonment for up to ten years, and they may also have to pay a fine.

Explanation using Example

Example 1:

A group of six individuals, Raj, Amit, Sunil, Deepak, Ravi, and Mohan, plan to rob a jewelry store in Mumbai. They gather outside the store at midnight, break in, and steal gold and diamonds worth several lakhs. During the robbery, Raj stands guard outside to alert the others if the police arrive. The police catch

them in the act and arrest all six individuals. Under Section 310 of The Bharatiya Nyaya Sanhita 2023, all six individuals, including Raj who was standing guard, are guilty of committing dacoity. They face imprisonment for life or rigorous imprisonment for up to ten years, along with a fine.

Example 2:

A gang of five individuals, known for their habitual involvement in dacoity, plans to rob a bank in Delhi. During the robbery, one of the gang members, Suresh, shoots and kills a security guard. The police manage to apprehend all five members. Under Section 310(3) of The Bharatiya Nyaya Sanhita 2023, since a murder was committed during the dacoity, all five members are liable to be punished with death, imprisonment for life, or rigorous imprisonment for a term not less than ten years, along with a fine.

Example 3:

Ramesh, along with four other individuals, is caught by the police while they are making preparations to rob a warehouse in Chennai. They have not yet committed the robbery but have gathered weapons and tools for the act. Under Section 310(4) of The Bharatiya Nyaya Sanhita 2023, Ramesh and his accomplices can be punished with rigorous imprisonment for up to ten years and a fine for making preparations to commit dacoity.

Example 4:

A notorious gang of dacoits, consisting of more than five members, has been terrorizing villages in Uttar Pradesh by regularly committing dacoity. One of the gang members, Vinod, is caught by the police. Under Section 310(6) of The Bharatiya Nyaya Sanhita 2023, Vinod can be punished with imprisonment for life or rigorous imprisonment for up to ten years, along with a fine, for being part of a gang habitually committing dacoity.

Section 311: Robbery, or dacoity, with attempt to cause death or grievous hurt.

If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

Simplified Acts

If someone commits robbery or dacoity (a type of robbery involving a group), and during the crime:

Uses a deadly weapon, or

Seriously injures someone, or

Tries to kill or seriously injure someone,

Then, the person must be sentenced to at least seven years in prison.

Explanation using Example

Example 1:

Ravi and his gang plan a dacoity at a jewelry store in Mumbai. During the robbery, Ravi brandishes a gun and threatens the store owner. One of Ravi's accomplices, Suresh, hits a customer on the head with an iron rod, causing severe injury. The police catch Ravi and his gang while they are trying to escape. Under Section 311 of the Bharatiya Nyaya Sanhita 2023, Ravi and his gang will face a minimum imprisonment of seven years because they used a deadly weapon and caused grievous hurt during the dacoity.

Example 2:

Priya and her friend Anil decide to rob a bank in Delhi. During the robbery, Anil pulls out a knife and stabs a security guard who tries to stop them, causing the guard to suffer life-threatening injuries. The police arrive in time and arrest Priya and Anil. According to Section 311 of the Bharatiya Nyaya Sanhita 2023, both Priya and Anil will be sentenced to a minimum of seven years in prison because they attempted to cause death and used a deadly weapon during the robbery.

Section 312: Attempt to commit robbery or dacoity when armed with deadly weapon.

If, at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than seven years.

Simplified Acts

If someone tries to commit robbery or dacoity (a type of armed robbery) and they have a deadly weapon with them, they will be sent to prison for at least seven years.

Explanation using Example

Example 1:

Ravi, a resident of Mumbai, plans to rob a jewelry store. He carries a loaded gun with him to intimidate the store owner and customers. As he attempts to break into the store, the police arrive and arrest him before he can complete the robbery. Since Ravi was armed with a deadly weapon (the loaded gun) at the time of attempting the robbery, he is charged under Section 312 of The Bharatiya Nyaya Sanhita 2023. Consequently, Ravi faces a minimum imprisonment of seven years.

Example 2:

In a small village in Uttar Pradesh, a group of five men, including Suresh, plan to commit dacoity at a wealthy farmer's house. They arm themselves with knives and iron rods. As they break into the house and start threatening the family, the neighbors hear the commotion and call the police. The police arrive promptly and arrest the group before they can steal anything. Since Suresh and his accomplices were armed with deadly weapons (knives and iron rods) while attempting to commit dacoity, they are charged under Section 312 of The Bharatiya Nyaya Sanhita 2023. Each member of the group faces a minimum imprisonment of seven years.

Section 313: Punishment for belonging to gang of robbers, etc.

Whoever belongs to any gang of persons associated in habitually committing theft or robbery, and not being a gang of dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

If someone is part of a group that regularly commits theft or robbery (but not dacoity), they can be punished with:

Up to seven years in prison with hard labor.

A fine.

Explanation using Example

Example 1:

Ravi, a resident of Mumbai, is part of a group that regularly engages in stealing motorcycles from various parts of the city. The group has been active for several years, and each member has been involved in multiple thefts. One day, the police catch Ravi and his associates red-handed while they are attempting to steal another motorcycle. Under Section 313 of The Bharatiya Nyaya Sanhita 2023, Ravi and his gang members can be punished with rigorous imprisonment for up to seven years and may also be fined for being part of a gang habitually committing theft.

Example 2:

In a small town in Uttar Pradesh, a group of individuals, including Suresh, has been involved in robbing houses in the area. They have a pattern of breaking into homes late at night and stealing valuables. The police have been investigating these incidents and finally gather enough evidence to arrest Suresh and his gang. Since Suresh belongs to a gang that habitually commits robbery, he can be sentenced to rigorous imprisonment for up to seven years and may also face a fine, as per Section 313 of The Bharatiya Nyaya Sanhita 2023.

OF CRIMINAL MISAPPROPRIATION OF PROPERTY

Section 314: Dishonest misappropriation of property.

Whoever dishonestly misappropriates or converts to his own use any movable property, shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to two years and with fine.

Illustrations

(a) A takes property belonging to Z out of Z's possession, in good faith believing at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(b) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the

impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But, if A afterwards sells the book for his own benefit, he is guilty of an offence under this section.

(c) A and B, being joint owners of a horse. A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But, if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

Explanation 1

A dishonest misappropriation for a time only is a misappropriation within the meaning of this section.

Illustration

A finds a Government promissory note belonging to Z, bearing a blank endorsement. A, knowing that the note belongs to Z, pledges it with a banker as a security for a loan, intending at a future time to restore it to Z. A has committed an offence under this section.

Explanation 2

A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it; it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believe that the real owner cannot be found.

Illustrations

(a) A finds a rupee on the high road, not knowing to whom the rupee belongs. A picks up the rupee. Here A has not committed the offence defined in this section.

(b) A finds a letter on the road, containing a bank-note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.

(c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person, who has drawn the cheque, appears. A knows that this person can direct him to the person in whose favour the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.

(d) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this section.

(e) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.

(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this section.

Simplified Acts

If someone takes or uses someone else's movable property dishonestly for themselves, they can be punished with jail time of at least six months and up to two years, and they may also have to pay a fine.

Examples

(a) If A takes property from Z, thinking it belongs to A, A is not guilty of theft. But if A later realizes the mistake and still keeps the property for themselves, A is guilty of an offence.

(b) If A, who is friends with Z, takes a book from Z's library without asking, thinking Z would be okay with it, A is not guilty of theft. But if A later sells the book for personal gain, A is guilty of an offence.

(c) If A and B own a horse together and A takes the horse to use it, A is not guilty because A has the right to use it. But if A sells the horse and keeps all the money, A is guilty of an offence.

Explanation 1

Taking something dishonestly, even for a short time, is still considered misappropriation.

Example

If A finds a government note that belongs to Z and uses it to get a loan, planning to return it later, A has committed an offense.

Explanation 2

If someone finds property that isn't in anyone's possession and takes it to protect it or return it to the owner, they are not guilty of an offense. But if they keep it for themselves when they know or can find out who the owner is, or before trying to find the owner and giving them a chance to claim it, they are guilty of an offense.

What counts as reasonable efforts to find the owner or a reasonable time to keep the property is a matter of fact.

The finder doesn't need to know who the owner is or that a specific person owns it. It's enough if they don't believe it belongs to them or think the real owner can't be found.

Examples

(a) If A finds a rupee on the road and doesn't know who it belongs to, picking it up is not an offense.

(b) If A finds a letter with a bank-note and learns who it belongs to from the letter, but keeps the note, A is guilty of an offense.

(c) If A finds a cheque payable to bearer and doesn't know who lost it, but knows who wrote it and can find the owner through them, but keeps it without trying to find the owner, A is guilty of an offense.

(d) If A sees Z drop a purse and picks it up intending to return it but later keeps it, A is guilty of an offense.

(e) If A finds a purse and later discovers it belongs to Z but keeps it, A is guilty of an offense.

(f) If A finds a valuable ring and sells it immediately without trying to find the owner, A is guilty of an offense.

Explanation using Example

Example 1:

Ravi finds a gold necklace on a park bench. He does not know who the owner is, but he decides to keep it for himself without making any effort to find the owner. Later, he wears the necklace to a family function. Ravi has committed an offence under Section 314 of the Bharatiya Nyaya Sanhita 2023 because he dishonestly misappropriated the property.

Example 2:

Priya borrows a laptop from her friend Anjali to complete a project. After finishing her project, Priya decides to sell the laptop to a pawn shop for some quick cash. Priya has committed an offence under Section 314 because she converted Anjali's property to her own use dishonestly.

Example 3:

Arjun finds a wallet on the street containing Rs. 5000 and an ID card with the owner's details. Instead of returning the wallet to the owner, Arjun keeps the money and throws away the wallet. Arjun is guilty of an offence under Section 314 because he appropriated the property knowing who the owner was.

Example 4:

Sunil and Raj are business partners and jointly own a delivery van. Sunil takes the van for a personal trip without informing Raj. Later, Sunil sells the van and keeps all the money. Sunil has committed an offence under Section 314 because he dishonestly misappropriated the jointly owned property.

Example 5:

Meera finds a smartphone in a taxi. She decides to keep it and uses it as her own. A few days later, she receives a call from the owner asking for the phone back, but she refuses to return it. Meera has committed an offence under Section 314 because she dishonestly converted the property to her own use.

Example 6:

Vikram finds a cheque payable to bearer on the road. He does not know who the owner is but decides to cash the cheque at the bank. Vikram has committed an offence under Section 314 because he did not make any effort to find the owner and appropriated the property for himself.

Section 315: Dishonest misappropriation of property possessed by deceased person at the time of his death.

Whoever dishonestly misappropriates or converts to his own use any property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Illustration

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this section.

Simplified Acts

If someone takes or uses any property for themselves in a dishonest way, knowing that the property belonged to a person who has died and that no one who has the legal right to the property has taken possession of it yet, they can be punished. The punishment can be up to three years in prison and they may also have to pay a fine. If the person who took the property was working as a clerk or servant for the deceased person at the time of their death, the prison sentence can be up to seven years.

Example

Z dies and leaves behind furniture and money. Before anyone who has the legal right to the money takes possession of it, Z's servant A dishonestly takes the money. A has committed the crime described in this section.

Explanation using Example

Example 1:

Ramesh, an elderly man, passes away leaving behind a house and some valuable jewelry. Before Ramesh's family can take possession of the jewelry, his neighbor, Suresh, who had access to Ramesh's house, takes the jewelry and sells it for his own benefit. Suresh has committed the offence defined in Section

315 of the Bharatiya Nyaya Sanhita 2023, as he dishonestly misappropriated property that was in the possession of the deceased Ramesh at the time of his death.

Example 2:

Mrs. Sharma, a wealthy widow, dies suddenly, leaving behind a substantial amount of cash in her home. Her personal assistant, Priya, who was employed by Mrs. Sharma, finds the cash and decides to keep it for herself instead of informing Mrs. Sharma's legal heirs. Priya has committed the offence under Section 315 of the Bharatiya Nyaya Sanhita 2023, and since she was employed by Mrs. Sharma at the time of her death, she could face imprisonment for up to seven years.

Example 3:

Mr. Gupta, a businessman, dies in a car accident, leaving behind a briefcase containing important documents and cash. His driver, Raj, who was with him at the time of the accident, takes the briefcase and uses the cash for his personal expenses before Mr. Gupta's family can claim it. Raj has committed the offence under Section 315 of the Bharatiya Nyaya Sanhita 2023, as he dishonestly converted the property of the deceased Mr. Gupta to his own use.

Example 4:

An elderly woman, Mrs. Verma, passes away in her sleep, leaving behind a collection of antique coins. Her distant relative, Anil, who was visiting her at the time, takes the coins and sells them to a collector before Mrs. Verma's children can claim them. Anil has committed the offence under Section 315 of the Bharatiya Nyaya Sanhita 2023, as he misappropriated property that was in the possession of the deceased Mrs. Verma at the time of her death.

OF CRIMINAL BREACH OF TRUST

Section 316: Criminal breach of trust.

(1) Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits criminal breach of trust.

Explanation 1

A person, being an employer of an establishment whether exempted under section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 or not who deducts the employee's contribution from the wages payable to the employee for credit to a Provident Fund or Family Pension Fund established by any law for the time being in force, shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said law, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.

Explanation 2

A person, being an employer, who deducts the employees' contribution from the wages payable to the employee for credit to the Employees' State Insurance Fund held and administered by the Employees' State Insurance Corporation established under the Employees' State Insurance Act, 1948 shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said Act, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.

Illustrations

(a) A, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.

(b) A is a warehouse-keeper. Z, going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse room. A dishonestly sells the goods. A has committed criminal breach of trust.

(c) A, residing in Kolkata, is agent for Z, residing at Delhi. There is an express or implied contract between A and Z, that all sums remitted by Z to A shall be invested by A, according to Z's direction. Z remits one lakh of rupees to A, with directions to A to invest the same in Company's paper. A dishonestly disobeys the directions and employs the money in his own business. A has committed criminal breach of trust.

(d) But if A, in illustration (c), not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares in the Bank of Bengal, disobeys

Z's directions, and buys shares in the Bank of Bengal, for Z, instead of buying Company's paper, here, though Z should suffer loss, and should be entitled to bring a civil action against A, on account of that loss, yet A, not having acted dishonestly, has not committed criminal breach of trust.

(e) A, a revenue-officer, is entrusted with public money and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. A dishonestly appropriates the money. A has committed criminal breach of trust.

(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

(2) Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(3) Whoever, being entrusted with property as a carrier, wharfinger or warehouse-keeper, commits criminal breach of trust in respect of such 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.

(4) Whoever, being a clerk or servant or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that 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.

(5) Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent commits criminal breach of trust in respect of that property, shall be punished with 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.

Simplified Acts

(1) If someone is trusted with property or has control over it and they dishonestly take it for themselves, use it wrongly, or let someone else misuse it, they are committing a criminal breach of trust.

Explanation 1

If an employer takes money from an employee's wages to put into a Provident Fund or Family Pension Fund and doesn't actually put the money into the fund, they are considered to have used the money dishonestly.

Explanation 2

If an employer takes money from an employee's wages to put into the Employees' State Insurance Fund and doesn't actually put the money into the fund, they are considered to have used the money dishonestly.

Illustrations

(a) If A is supposed to follow a will and distribute property but instead takes it for themselves, A has committed a criminal breach of trust.

(b) If A is a warehouse keeper and Z leaves furniture with A under a contract to return it later, but A sells the furniture, A has committed a criminal breach of trust.

(c) If A is an agent for Z and is supposed to invest money sent by Z according to Z's instructions but instead uses the money for their own business, A has committed a criminal breach of trust.

(d) If A, in the previous example, believes in good faith that investing the money differently would benefit Z more and does so, A has not committed a criminal breach of trust, even if Z loses money.

(e) If A, a revenue officer, is supposed to deposit public money into a treasury but takes it for themselves, A has committed a criminal breach of trust.

(f) If A, a carrier, is trusted by Z to transport property and A takes the property for themselves, A has committed a criminal breach of trust.

(2) Anyone who commits a criminal breach of trust can be punished with up to five years in prison, a fine, or both.

(3) If someone trusted with property as a carrier, wharfinger, or warehouse keeper commits a criminal breach of trust, they can be punished with up to seven years in prison and a fine.

(4) If a clerk or servant trusted with property commits a criminal breach of trust, they can be punished with up to seven years in prison and a fine.

(5) If a public servant or someone in a business role like a banker, merchant, broker, or agent commits a criminal breach of trust, they can be punished with life imprisonment or up to ten years in prison and a fine.

Explanation using Example

Example 1:

Ravi is the manager of a small company in Mumbai. As part of his duties, he is responsible for collecting and depositing the employees' contributions to the Provident Fund. Instead of depositing the collected amount into the Provident Fund, Ravi uses the money to pay off his personal debts. Ravi has committed a criminal breach of trust as he was entrusted with the employees' contributions and dishonestly misappropriated the funds for his own use.

Example 2:

Sita is a warehouse keeper in Chennai. Ramesh, a businessman, stores his goods in Sita's warehouse under a contract that the goods will be returned upon payment of a storage fee. Sita, however, sells Ramesh's goods without his permission and uses the money for her own purposes. Sita has committed a criminal breach of trust as she was entrusted with Ramesh's property and dishonestly disposed of it.

Example 3:

Arjun, an agent in Delhi, receives ₹5 lakhs from his client, Priya, with specific instructions to invest the money in government bonds. Instead, Arjun uses the money to invest in his own startup, hoping to make a higher profit. Arjun has committed a criminal breach of trust as he was entrusted with Priya's money and dishonestly used it for his own business against her instructions.

Example 4:

Meera, a clerk in a government office in Bengaluru, is responsible for handling public funds. She is supposed to deposit these funds into the government treasury. Instead, Meera uses a portion of the funds to buy personal items. Meera has committed a criminal breach of trust as she was entrusted with public money and dishonestly appropriated it for personal use.

Example 5:

Vikram, a banker in Hyderabad, is entrusted with a client's fixed deposit amounting to ₹10 lakhs. Instead of keeping the money safe, Vikram uses it to

cover up a deficit in another account. Vikram has committed a criminal breach of trust as he was entrusted with the client's money and dishonestly used it to cover up another financial issue.

Example 6:

Anita, a revenue officer in Pune, is responsible for collecting and depositing tax revenues into the state treasury. She diverts a portion of the collected taxes to her personal account. Anita has committed a criminal breach of trust as she was entrusted with public funds and dishonestly misappropriated them for personal gain.

Example 7:

Raj, a carrier in Kolkata, is entrusted with transporting valuable goods from one city to another. Instead of delivering the goods, Raj sells them and keeps the money. Raj has committed a criminal breach of trust as he was entrusted with the property and dishonestly misappropriated it.

Example 8:

Kiran, an employer in a factory in Ahmedabad, deducts the employees' contributions for the Employees' State Insurance Fund from their wages. Instead of depositing the contributions into the fund, Kiran uses the money to expand his business. Kiran has committed a criminal breach of trust as he was entrusted with the employees' contributions and dishonestly used them for his own business.

OF RECEIVING STOLEN PROPERTY

Section 317: Stolen property.

(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.

(2) Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

(3) Whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity, or dishonestly receives from a person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(4) Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with 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.

(5) Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Simplified Acts

(1) Property that has been taken by theft, extortion, robbery, cheating, or has been misused or involved in a breach of trust is called stolen property. This is true whether these actions happened inside or outside India. However, if this property later comes into the hands of someone who legally owns it, it is no longer considered stolen property.

(2) Anyone who knowingly or with reason to believe receives or keeps stolen property will be punished with up to three years in prison, or a fine, or both.

(3) Anyone who knowingly or with reason to believe receives or keeps property stolen through dacoity (banditry), or receives property from someone they know or believe to be a dacoit, will be punished with life imprisonment or up to ten years of rigorous imprisonment, and may also be fined.

(4) Anyone who regularly receives or deals in property they know or believe to be stolen will be punished with life imprisonment or up to ten years in prison, and may also be fined.

(5) Anyone who helps in hiding, disposing of, or getting rid of property they know or believe to be stolen will be punished with up to three years in prison, or a fine, or both.

Explanation using Example

Example 1:

Ravi, a shopkeeper in Delhi, buys a second-hand laptop from a stranger at a very low price. Ravi does not ask for any proof of ownership or receipt. Later, it is discovered that the laptop was stolen from a nearby office. Ravi is charged under Section 317(2) of the Bharatiya Nyaya Sanhita 2023 for dishonestly receiving stolen property, as he had reason to believe the laptop was stolen due to the unusually low price and lack of documentation.

Example 2:

Sunita, a resident of Mumbai, finds a gold necklace in a park and decides to keep it without reporting it to the police. The necklace was actually stolen during a house burglary in the same area. Sunita is charged under Section 317(5) for voluntarily assisting in concealing stolen property, as she knew or had reason to believe the necklace was stolen.

Example 3:

Amit, a businessman in Kolkata, regularly buys goods from a supplier who is known to be involved in dacoity (armed robbery). Amit is aware of the supplier's criminal background but continues to purchase goods at a lower price. Amit is charged under Section 317(3) for dishonestly receiving property from a person he knows to belong to a gang of dacoits.

Example 4:

Ramesh, a pawnshop owner in Chennai, frequently buys and sells items without verifying their origin. Over time, it is found that many of the items in his shop are stolen. Ramesh is charged under Section 317(4) for habitually dealing in stolen property, as he regularly engages in transactions involving stolen goods.

Example 5:

Priya, a college student in Bangalore, is given a stolen mobile phone by her friend. Priya knows the phone is stolen but decides to keep it and use it. Priya

is charged under Section 317(2) for dishonestly retaining stolen property, as she knew the phone was stolen when she decided to keep it.

OF CHEATING

Section 318: Cheating.

(1) Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to cheat.

Explanation. - A dishonest concealment of facts is a deception within the meaning of this section.

Illustrations

(a) A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit goods for which he does not mean to pay. A cheats.

(b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats.

(c) A, by exhibiting to Z a false sample of an article intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.

(d) A, by tendering in payment for an article a bill on a house with which A keeps no money, and by which A expects that the bill will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats.

(e) A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z to lend money. A cheats.

(f) A intentionally deceives Z into a belief that A means to repay any money that Z may lend to him and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats.

(g) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he does not intend to deliver, and thereby dishonestly induces Z to advance money upon the faith of such delivery. A cheats; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

(h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby dishonestly induces Z to pay money. A cheats.

(i) A sells and conveys an estate to B. A, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z, without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

(2) Whoever cheats shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

(3) Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates, he was bound, either by law, or by a legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(4) Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

(1) If someone tricks another person and makes them give away property, agree to let someone keep property, or do something they wouldn't normally do, and this causes harm or damage to the person in any way (body, mind, reputation, or property), it is considered cheating.

Explanation. - Hiding important facts on purpose is also considered cheating.

Examples

(a) If A pretends to be a government official and tricks Z into giving him goods on credit that he doesn't plan to pay for, A is cheating.

(b) If A puts a fake brand on an item and tricks Z into thinking it's from a famous manufacturer, making Z buy it, A is cheating.

(c) If A shows Z a fake sample of a product and tricks Z into buying it, A is cheating.

(d) If A pays for an item with a check from a bank where he has no money, knowing the check will bounce, and tricks Z into giving him the item, A is cheating.

(e) If A pawns fake diamonds as real ones and tricks Z into lending him money, A is cheating.

(f) If A lies to Z about intending to repay a loan and tricks Z into lending him money, A is cheating.

(g) If A lies to Z about delivering a certain amount of indigo plant and tricks Z into giving him money, A is cheating. But if A intended to deliver the indigo plant when he got the money and later didn't, it's just a breach of contract, not cheating.

(h) If A lies to Z about fulfilling his part of a contract and tricks Z into paying him, A is cheating.

(i) If A sells property to B and then sells or mortgages the same property to Z without telling Z about the first sale, and takes money from Z, A is cheating.

(2) Anyone who cheats can be punished with up to three years in prison, a fine, or both.

(3) If someone cheats knowing it will cause a loss to a person they are legally supposed to protect, they can be punished with up to five years in prison, a fine, or both.

(4) If someone cheats and makes the deceived person give away property, or change or destroy a valuable document, they can be punished with up to seven years in prison and a fine.

Explanation using Example

Example 1:

Rahul, a resident of Mumbai, falsely claims to be a government official and convinces Priya to sell him her car on credit, promising to pay her later. Rahul has no intention of paying Priya and disappears with the car. Rahul has committed cheating under Section 318 of the Bharatiya Nyaya Sanhita 2023.

Example 2:

Sneha, a shop owner in Delhi, sells a piece of jewelry to Ramesh, claiming it is made of pure gold. In reality, the jewelry is gold-plated and not pure gold. Sneha intentionally deceives Ramesh into believing the jewelry is of higher value, and Ramesh pays a premium price for it. Sneha has committed cheating.

Example 3:

Vikram, a businessman in Bangalore, shows a fake sample of high-quality fabric to Anjali, a garment manufacturer, and convinces her to place a large order. When the actual fabric is delivered, it is of much lower quality than the sample shown. Vikram has intentionally deceived Anjali and has committed cheating.

Example 4:

Arjun, a resident of Kolkata, pledges a fake diamond ring to a pawnshop owner, Meera, claiming it is a real diamond. Meera lends Arjun money based on the belief that the ring is genuine. Arjun has intentionally deceived Meera and has committed cheating.

Example 5:

Ravi, a software developer in Hyderabad, convinces his friend, Suresh, to lend him money by falsely promising to repay it within a month. Ravi has no intention of repaying the loan and uses the money for personal expenses. Ravi has committed cheating.

Example 6:

Manoj, a farmer in Punjab, promises to deliver a certain quantity of high-quality wheat to a buyer, Rajesh, in exchange for an advance payment. Manoj has no intention of delivering the wheat and uses the advance payment for other purposes. Manoj has committed cheating.

Example 7:

Kiran, a contractor in Chennai, falsely claims to have completed a construction project and demands payment from the client, Shweta. In reality, the project is incomplete. Kiran has intentionally deceived Shweta and has committed cheating.

Example 8:

Deepak, a property dealer in Jaipur, sells a piece of land to Sunil, knowing that he has already sold the same land to another buyer, Anil. Deepak does not disclose the previous sale to Sunil and accepts the payment. Deepak has committed cheating.

Section 319: Cheating by personation.

(1) Cheating by Personation

A person is said to cheat by personation if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.

Explanation: The offence is committed whether the individual personated is a real or imaginary person.

Illustrations:

(a) A cheats by pretending to be a certain rich banker of the same name. A cheats by personation.

(b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

(2) Punishment for Cheating by Personation

Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Simplified Acts

(1) Cheating by Pretending to Be Someone Else

A person is said to cheat by pretending to be someone else if they cheat by:

Pretending to be another person.

Knowingly substituting one person for another.

Claiming that they or someone else is a different person than they really are.

Explanation: This crime is committed whether the person being impersonated is real or made up.

Examples:

(a) A cheats by pretending to be a wealthy banker with the same name. A cheats by pretending to be someone else.

(b) A cheats by pretending to be B, a person who has died. A cheats by pretending to be someone else.

(2) Punishment for Cheating by Pretending to Be Someone Else

Anyone who cheats by pretending to be someone else can be punished with:

Imprisonment for up to five years.

A fine.

Both imprisonment and a fine.

Explanation using Example

Example 1:

Ravi, a con artist, learns that a wealthy businessman named Rajesh has a twin brother, Ramesh, who lives abroad and is not well-known in their city. Ravi decides to impersonate Ramesh to gain Rajesh's trust and access his financial assets. Ravi meets Rajesh, introduces himself as Ramesh, and convinces Rajesh to transfer a large sum of money to a fake investment scheme. Rajesh, believing Ravi to be his brother, complies. Here, Ravi has committed the offense of cheating by personation under Section 319 of the Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya, a job seeker, receives an email from someone claiming to be the HR manager of a reputed company, offering her a lucrative job. The email instructs Priya to deposit a certain amount of money as a processing fee. The email is actually sent by Anil, who has created a fake email account pretending to be the HR manager. Priya, believing the email to be genuine, deposits the money.

Anil has committed the offense of cheating by personation under Section 319 of the Bharatiya Nyaya Sanhita 2023.

OF FRAUDULENT DEEDS AND DISPOSITIONS OF PROPERTY

Section 320: Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.

Whoever dishonestly or fraudulently removes, conceals or delivers to any person, or transfers or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to two years, or with fine, or with both.

Simplified Acts

If someone dishonestly or fraudulently:

Takes away,

Hides,

Gives to someone else, or

Transfers any property without fair payment,

And they do this to:

Stop the property from being shared according to the law among people they owe money to (creditors) or people someone else owes money to,

They can be punished with:

Jail time for at least six months and up to two years,

A fine, or

Both jail time and a fine.

Explanation using Example

Example 1:

Rajesh runs a small business in Delhi and has accumulated significant debt from various creditors. Knowing that he is unable to repay his debts, Rajesh decides to transfer his valuable car to his brother without any payment. He does this to ensure that the car is not seized and sold to pay off his creditors. Rajesh's action of transferring the car without adequate consideration to prevent its distribution among his creditors falls under Section 320 of The Bharatiya Nyaya Sanhita 2023. Rajesh can be punished with imprisonment for a term ranging from six months to two years, or with a fine, or both.

Example 2:

Suman owns a jewelry store in Mumbai and owes a substantial amount of money to her suppliers. Anticipating that she might be declared bankrupt, Suman hides a significant portion of her jewelry stock in a friend's house. She does this to ensure that the jewelry is not included in the assets that would be distributed among her creditors. Suman's act of concealing the jewelry to prevent its distribution among her creditors is a violation of Section 320 of The Bharatiya Nyaya Sanhita 2023. She could face imprisonment for a term of six months to two years, a fine, or both.

Example 3:

Vikram, a businessman in Bangalore, is facing multiple lawsuits from creditors demanding repayment of loans. To avoid his assets being seized, Vikram sells his expensive artwork collection to a friend at a price significantly lower than its market value. This sale without adequate consideration is intended to prevent the artwork from being used to settle his debts. Vikram's actions are covered under Section 320 of The Bharatiya Nyaya Sanhita 2023, and he could be sentenced to imprisonment for six months to two years, fined, or both.

Example 4:

Anita, who owns a chain of retail stores in Kolkata, is on the verge of bankruptcy. To protect her assets, she transfers ownership of her properties to her relatives without receiving any payment. This transfer is done with the intention of preventing the properties from being distributed among her creditors. Anita's actions constitute a breach of Section 320 of The Bharatiya Nyaya Sanhita 2023, making her liable for imprisonment for a term of six months to two years, a fine, or both.

OF FRAUDULENT DEEDS AND DISPOSITIONS OF PROPERTY

Section 321: Dishonestly or fraudulently preventing debt being available for creditors.

Whoever dishonestly or fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone dishonestly or fraudulently stops any money or demand that is owed to them or someone else from being used to pay their debts or the debts of that other person, they can be punished.

The punishment can be:

Up to two years in jail, or

A fine, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi owns a small business and has taken a loan from a local bank. He is struggling to repay the loan and has several creditors demanding payment. To avoid paying his debts, Ravi transfers his valuable assets, including his car and some expensive machinery, to his brother under a fake sale agreement. By doing this, Ravi dishonestly prevents these assets from being available to his creditors for repayment. Under Section 321 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to two years, or with a fine, or both.

Example 2:

Meena owes a significant amount of money to various creditors due to her failed business venture. To avoid paying her debts, she fraudulently creates a false loan agreement showing that she owes a large sum to her friend, Priya. Meena then claims that all her available funds are being used to repay this fake loan to Priya, thereby preventing her actual creditors from accessing her

funds. Under Section 321 of The Bharatiya Nyaya Sanhita 2023, Meena can be punished with imprisonment for up to two years, or with a fine, or both.

Section 322: Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.

Whoever dishonestly or fraudulently signs, executes or becomes a party to any deed or instrument which purports to transfer or subject to any charge any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Simplified Acts

If someone dishonestly or fraudulently signs, completes, or becomes involved in any document that claims to transfer or put a charge on any property or interest in it, and

If that document contains any false information about the payment or benefit for the transfer or charge, or about who will really benefit from it,

That person can be punished with up to three years in prison, or a fine, or both.

Explanation using Example

Example 1:

Ravi, a property dealer, convinces Sita to buy a piece of land by showing her a deed that states the land is worth ₹50 lakhs. However, the actual market value of the land is only ₹20 lakhs. Ravi has dishonestly inflated the consideration amount in the deed to make a higher profit. Sita, believing the false statement, agrees to the purchase. In this scenario, Ravi has committed an offense under Section 322 of The Bharatiya Nyaya Sanhita 2023 by executing a deed containing a false statement of consideration.

Example 2:

Anil, who is in financial trouble, decides to transfer his house to his friend Sunil to avoid it being seized by creditors. They create a deed of transfer that states Sunil has paid ₹30 lakhs for the house, but in reality, no money has

exchanged hands, and the transfer is only on paper. The deed falsely represents the consideration amount and the true intention behind the transfer. Anil and Sunil have both committed an offense under Section 322 of The Bharatiya Nyaya Sanhita 2023 by being parties to a fraudulent deed.

Example 3:

Priya, a businesswoman, wants to transfer her commercial property to her brother Raj under the guise of a sale to avoid paying higher taxes. They create a deed that states Raj has paid ₹1 crore for the property, but the actual consideration is only ₹50 lakhs. The deed contains a false statement about the consideration amount to deceive tax authorities. Priya and Raj have committed an offense under Section 322 of The Bharatiya Nyaya Sanhita 2023 by executing a deed with a false statement of consideration.

Example 4:

Manoj, a real estate agent, helps his client Ramesh transfer a plot of land to a third party, Shyam. The deed of transfer states that Shyam has paid ₹40 lakhs for the plot, but in reality, Shyam has only paid ₹25 lakhs, and the remaining amount is to be paid in installments. The deed does not mention the installment arrangement and falsely represents the total consideration as ₹40 lakhs. Manoj and Ramesh have committed an offense under Section 322 of The Bharatiya Nyaya Sanhita 2023 by executing a deed with a false statement of consideration.

Example 5:

Geeta, an elderly woman, is persuaded by her nephew, Vikram, to transfer her ancestral property to him. The deed of transfer states that Vikram has paid ₹60 lakhs for the property, but in reality, Vikram has not paid any money, and the transfer is intended to be a gift. The deed contains a false statement about the consideration amount and the true nature of the transfer. Vikram has committed an offense under Section 322 of The Bharatiya Nyaya Sanhita 2023 by executing a deed with a false statement of consideration.

Section 323: Dishonest or fraudulent removal or concealment of property.

Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with imprisonment of either

description for a term which may extend to three years, or with fine, or with both.

Simplified Acts

If someone hides or takes away any property, either their own or someone else's, in a dishonest or fraudulent way, or helps someone else do this dishonestly or fraudulently, or gives up a right or claim they are entitled to in a dishonest way, they can be punished.

The punishment can be:

Up to three years in prison, or

A fine, or

Both prison and a fine.

Explanation using Example

Example 1:

Ravi, a businessman, is going through a financial crisis and is unable to repay his debts. To avoid his creditors, he transfers ownership of his luxury car to his friend, Suresh, without any actual sale or exchange of money. Ravi continues to use the car as if it still belongs to him. This act of transferring the car to Suresh to avoid seizure by creditors is a dishonest or fraudulent removal of property. Under Section 323 of the Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to three years, or with a fine, or both.

Example 2:

Meena, who is in the process of a divorce, hides her expensive jewelry at her sister's house to prevent it from being included in the marital assets during the divorce settlement. By concealing the jewelry, Meena is dishonestly or fraudulently removing property to which her spouse may have a claim. Under Section 323 of the Bharatiya Nyaya Sanhita 2023, Meena can be punished with imprisonment for up to three years, or with a fine, or both.

Of mischief

Section 324: Mischief.

(1) Whoever with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously, commits mischief.

Explanation 1

It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2

Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

Illustrations

(a) A voluntarily burns a valuable security belonging to Z intending to cause wrongful loss to Z. A has committed mischief.

(b) A introduces water into an ice-house belonging to Z and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.

(c) A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed mischief.

(d) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. A has committed mischief.

(e) A having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. A has committed mischief.

(f) A causes a ship to be cast away, intending thereby to cause damage to Z who has lent money on bottomry on the ship. A has committed mischief.

(g) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(h) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing that he is likely to cause damage to Z's crop. A has committed mischief.

(2) Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(3) Whoever commits mischief and thereby causes loss or damage to any property including the property of Government or Local Authority shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

(4) Whoever commits mischief and thereby causes loss or damage to the amount of twenty thousand rupees and more but less than one lakh rupees shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(5) Whoever commits mischief and thereby causes loss or damage to the amount of one lakh rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(6) Whoever commits mischief, having made preparation for causing to any person death, or hurt, or wrongful restraint, or fear of death, or of hurt, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Simplified Acts

(1) If someone intentionally causes, or knows they might cause, wrongful loss or damage to someone else or the public by destroying or damaging property, or changing it in a way that lowers its value or usefulness, or harms it, they are committing mischief.

Explanation 1

To commit mischief, the person doesn't have to intend to harm the owner of the property. It's enough if they intend to cause, or know they might cause, wrongful loss or damage to anyone by damaging any property, no matter who owns it.

Explanation 2

Mischief can happen even if the person damages property that they own, or that they own together with someone else.

Examples

(a) A burns a valuable document belonging to Z, intending to cause Z a wrongful loss. A has committed mischief.

(b) A puts water into an ice-house belonging to Z, causing the ice to melt and intending to cause Z a wrongful loss. A has committed mischief.

(c) A throws Z's ring into a river, intending to cause Z a wrongful loss. A has committed mischief.

(d) A, knowing his belongings are about to be taken to pay a debt to Z, destroys them to prevent Z from getting the debt payment and to cause damage to Z. A has committed mischief.

(e) A, having insured a ship, intentionally causes it to be wrecked to damage the insurers. A has committed mischief.

(f) A causes a ship to be wrecked to damage Z, who lent money on the ship. A has committed mischief.

(g) A, who co-owns a horse with Z, shoots the horse intending to cause Z a wrongful loss. A has committed mischief.

(h) A causes cattle to enter Z's field, knowing it will damage Z's crops and intending to cause such damage. A has committed mischief.

(2) Anyone who commits mischief can be punished with up to six months in jail, or a fine, or both.

(3) If someone commits mischief causing loss or damage to any property, including government or local authority property, they can be punished with up to one year in jail, or a fine, or both.

(4) If the mischief causes a loss of twenty thousand rupees or more but less than one lakh rupees, the punishment can be up to two years in jail, or a fine, or both.

(5) If the mischief causes a loss of one lakh rupees or more, the punishment can be up to five years in jail, or a fine, or both.

(6) If someone commits mischief after preparing to cause death, injury, wrongful restraint, or fear of death, injury, or wrongful restraint to anyone, they can be punished with up to five years in jail and a fine.

Explanation using Example

Example 1:

Ravi, upset with his neighbor Suresh over a property dispute, decides to take revenge. One night, Ravi sneaks into Suresh's garden and cuts down several of his expensive plants and trees. Ravi knows that this will cause Suresh significant financial loss and emotional distress. By doing this, Ravi has committed mischief under Section 324 of the Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya, a disgruntled employee, decides to get back at her employer by damaging office property. She intentionally spills water on the office computers, knowing that this will render them useless and cause a significant financial loss to the company. Priya's actions constitute mischief as she knowingly caused damage to the property with the intent to cause wrongful loss.

Example 3:

During a protest, Raj, an activist, throws stones at a government building, breaking several windows. Raj's actions result in damage to government property. Under Section 324, Raj has committed mischief and can be punished with imprisonment or a fine, or both, depending on the extent of the damage caused.

Example 4:

Sunil, who has a joint ownership of a car with his friend Amit, gets into an argument with Amit. In a fit of rage, Sunil deliberately scratches the car's paint and breaks its windshield, intending to cause financial loss to Amit. Sunil's actions fall under the definition of mischief as he intentionally damaged the jointly owned property.

Example 5:

Meena, who has insured her house, decides to set it on fire to claim the insurance money. She knows that this will cause significant damage to the property and intends to deceive the insurance company. Meena's act of setting

her own house on fire with such intent is considered mischief under Section 324.

Example 6:

During a village feud, Ramesh releases his cattle into his rival's (Vikram's) field, knowing that the cattle will destroy Vikram's crops. Ramesh's actions are aimed at causing financial loss to Vikram. By doing this, Ramesh has committed mischief as per the provisions of Section 324.

Example 7:

Anil, who owes money to his creditor, decides to destroy his own assets to prevent the creditor from seizing them. He burns his furniture and other valuable items, knowing that this will prevent the creditor from recovering the debt. Anil's deliberate destruction of his own property to cause loss to the creditor is an act of mischief.

Example 8:

During a festival, a group of teenagers, including Arjun, decide to have some "fun" by bursting firecrackers near parked cars. One of the firecrackers causes a car to catch fire, resulting in significant damage. Arjun and his friends, by their reckless actions, have committed mischief as they caused damage to someone else's property.

Example 9:

Kavita, in an attempt to scare her neighbor, throws a stone at his window, shattering the glass. She knows that this will cause her neighbor to incur repair costs. Kavita's intentional act of breaking the window constitutes mischief under Section 324.

Example 10:

During a family dispute, Rohit, in a fit of anger, smashes his brother's mobile phone against the wall, knowing that this will render it unusable and cause financial loss to his brother. Rohit's deliberate act of damaging the mobile phone is considered mischief.

Section 325: Mischief by killing or maiming animal.

Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Simplified Acts

If someone harms an animal by killing, poisoning, injuring, or making it useless, they can be punished.

The punishment can be:

Up to five years in jail,

A fine,

Or both jail time and a fine.

Explanation using Example

Example 1:

Ravi, a farmer in a small village, had a dispute with his neighbor, Suresh, over a piece of land. In a fit of anger, Ravi decided to take revenge by poisoning Suresh's cow, which was a valuable asset for Suresh's dairy business. The cow died as a result of the poisoning. Under Section 325 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with mischief by killing an animal. If found guilty, Ravi could face imprisonment for up to five years, a fine, or both.

Example 2:

Priya, a resident of an urban area, was annoyed by the constant barking of her neighbor's dog. One day, she threw a stone at the dog, causing it to break its leg. The dog was rendered useless for its intended purpose as a guard dog. Under Section 325 of The Bharatiya Nyaya Sanhita 2023, Priya can be charged with mischief by maiming an animal. If convicted, she could be sentenced to imprisonment for up to five years, fined, or both.

Section 326: Mischief by injury, inundation, fire or explosive substance, etc.

Whoever commits mischief by, -

(a) doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness or for

carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both;

(b) doing any act which renders or which he knows to be likely to render any public road, bridge, navigable river or navigable channel, natural or artificial, impassable or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both;

(c) doing any act which causes or which he knows to be likely to cause an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both;

(d) destroying or moving any sign or signal used for navigation of rail, aircraft or ship or other thing placed as a guide for navigators, or by any act which renders any such sign or signal less useful as a guide for navigators, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both;

(e) destroying or moving any land-mark fixed by the authority of a public servant, or by any act which renders such land-mark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both;

(f) fire or any explosive substance intending to cause, or knowing it to be likely that he will thereby cause, damage to any property including agricultural produce, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

(g) fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with 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.

Simplified Acts

Whoever causes damage by, -

(a) doing something that reduces the water supply for farming, drinking, cleaning, or manufacturing, will be punished with up to five years in prison, or a fine, or both;

(b) doing something that makes any public road, bridge, river, or channel hard to use or less safe for travel or transporting goods, will be punished with up to five years in prison, or a fine, or both;

(c) doing something that causes flooding or blocks public drainage systems, leading to damage, will be punished with up to five years in prison, or a fine, or both;

(d) destroying or moving any navigation signs for railways, aircraft, or ships, or making these signs less useful, will be punished with up to seven years in prison, or a fine, or both;

(e) destroying or moving any landmark set by a public official, or making the landmark less useful, will be punished with up to one year in prison, or a fine, or both;

(f) using fire or explosives to damage any property, including crops, will be punished with up to seven years in prison, and a fine;

(g) using fire or explosives to destroy any building used as a place of worship, home, or storage, will be punished with life imprisonment, or up to ten years in prison, and a fine.

Explanation using Example

Example 1:

Ravi, a farmer in a rural village, is upset with his neighbor, Suresh, over a land dispute. In retaliation, Ravi decides to block the canal that supplies water to Suresh's fields. As a result, Suresh's crops begin to wither due to lack of water. Under Section 326(a) of the Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to five years, or with a fine, or both, for causing a diminution of the water supply for agricultural purposes.

Example 2:

A group of vandals decide to sabotage a newly constructed bridge by removing several key support bolts, making the bridge unsafe for travel. This act renders the bridge less safe for public use. Under Section 326(b) of the Bharatiya Nyaya

Sanhita 2023, the vandals can be punished with imprisonment for up to five years, or with a fine, or both, for making a public bridge less safe for travelling.

Example 3:

During the monsoon season, Ramesh intentionally blocks a public drainage system near his house to divert water away from his property, causing flooding in the nearby residential area. This act leads to significant damage to the homes and properties of his neighbors. Under Section 326(c) of the Bharatiya Nyaya Sanhita 2023, Ramesh can be punished with imprisonment for up to five years, or with a fine, or both, for causing an inundation that results in injury or damage.

Example 4:

A disgruntled former employee of the railway department decides to tamper with the railway signals, causing confusion and potential danger for train operators. This act makes the signals less useful as a guide for navigators. Under Section 326(d) of the Bharatiya Nyaya Sanhita 2023, the former employee can be punished with imprisonment for up to seven years, or with a fine, or both, for destroying or moving any sign or signal used for navigation of rail.

Example 5:

An individual, in an attempt to claim more land, moves a landmark stone that was fixed by the local municipal authority to demarcate property boundaries. This act renders the landmark less useful for its intended purpose. Under Section 326(e) of the Bharatiya Nyaya Sanhita 2023, the individual can be punished with imprisonment for up to one year, or with a fine, or both, for destroying or moving any landmark fixed by the authority of a public servant.

Example 6:

A person sets fire to a stack of harvested wheat belonging to a rival farmer, causing significant damage to the agricultural produce. Under Section 326(f) of the Bharatiya Nyaya Sanhita 2023, the person can be punished with imprisonment for up to seven years, and shall also be liable to a fine, for causing damage to property including agricultural produce by fire.

Example 7:

In an act of arson, a person sets fire to a local temple, causing extensive damage to the building. Under Section 326(g) of the Bharatiya Nyaya Sanhita 2023, the person can be punished with imprisonment for life, or with imprisonment for up to ten years, and shall also be liable to a fine, for causing the destruction of a building ordinarily used as a place of worship by fire.

Section 327: Mischief with intent to destroy or make unsafe a rail, aircraft, decked vessel or one of twenty tons burden.

(1) Whoever commits mischief to any rail, aircraft, or a decked vessel or any vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe, that rail, aircraft or vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Whoever commits, or attempts to commit, by fire or any explosive substance, such mischief as is described in sub-section (1), shall be punished with 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.

Simplified Acts

(1) If someone damages a train, airplane, or large boat (20 tons or more) with the intention of destroying it or making it unsafe, or if they know their actions are likely to destroy it or make it unsafe, they can be sent to prison for up to ten years and may also have to pay a fine.

(2) If someone damages or tries to damage a train, airplane, or large boat (20 tons or more) using fire or explosives, they can be sent to prison for life or for up to ten years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a disgruntled former employee of the Indian Railways, decides to take revenge by tampering with the railway tracks near his village. He loosens several bolts and removes a few sections of the track, intending to cause a derailment. Fortunately, the tampering is discovered before any train passes over the damaged section, and no accident occurs. However, Ravi is arrested and charged under Section 327 of the Bharatiya Nyaya Sanhita 2023 for

committing mischief with the intent to render the rail unsafe. He faces imprisonment for up to ten years and a fine.

Example 2:

A group of extremists plans to create chaos by targeting a commercial aircraft at the Indira Gandhi International Airport in Delhi. They manage to plant an explosive device in the cargo hold of the aircraft, intending to destroy it mid-flight. The security forces, however, detect the device during a routine check, and the plot is foiled. The individuals involved are charged under Section 327(2) of the Bharatiya Nyaya Sanhita 2023 for attempting to commit mischief by an explosive substance with the intent to destroy the aircraft. They face life imprisonment or imprisonment for up to ten years, along with a fine.

Example 3:

Suresh, a fisherman, is involved in a dispute with the owner of a large decked vessel that operates in the same waters as his small fishing boat. In a fit of rage, Suresh decides to sabotage the vessel by drilling holes in its hull while it is docked at the harbor. His actions are discovered before the vessel sets sail, preventing any potential disaster. Suresh is arrested and charged under Section 327 of the Bharatiya Nyaya Sanhita 2023 for committing mischief with the intent to render the vessel unsafe. He faces imprisonment for up to ten years and a fine.

Example 4:

A group of vandals breaks into a shipyard in Mumbai and sets fire to a decked vessel that is being constructed. The fire causes significant damage to the vessel, but it is extinguished before the vessel is completely destroyed. The vandals are caught and charged under Section 327(2) of the Bharatiya Nyaya Sanhita 2023 for committing mischief by fire with the intent to destroy the vessel. They face life imprisonment or imprisonment for up to ten years, along with a fine.

Section 328: Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.

Whoever intentionally runs any vessel aground or ashore, intending to commit theft of any property contained therein or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property

may be committed, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Simplified Acts

If someone purposely makes a boat or ship go onto the shore or get stuck, intending to steal anything on it or to wrongfully take anything on it, or with the intention that someone else might steal or wrongfully take anything on it, they can be punished.

The punishment can be up to ten years in prison.

They can also be fined.

Explanation using Example

Example 1:

Ravi, a fisherman in Kerala, intentionally steers his boat towards the shore, causing it to run aground. His plan is to steal the valuable cargo of spices and electronics that the boat is carrying. Ravi's actions are discovered, and he is charged under Section 328 of The Bharatiya Nyaya Sanhita 2023. He faces imprisonment for up to ten years and a fine for his attempt to commit theft by running the vessel aground.

Example 2:

In Mumbai, a group of individuals led by Arjun deliberately navigates a cargo ship carrying expensive machinery towards a rocky area, causing it to run aground. Their intention is to misappropriate the machinery for their own use. The authorities catch them in the act, and they are prosecuted under Section 328 of The Bharatiya Nyaya Sanhita 2023. Arjun and his accomplices could be sentenced to up to ten years in prison and fined for their dishonest actions.

OF CRIMINAL TRESPASS

Section 329: Criminal trespass and house-trespass.

(1) Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property or having lawfully entered into or upon such

property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person or with intent to commit an offence is said to commit criminal trespass.

(2) Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building used as a place for worship, or as a place for the custody of property, is said to commit house-trespass.

Explanation. - The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

(3) Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

(4) Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

Criminal Trespass and House-Trespass

(1) If someone goes onto someone else's property with the intention to commit a crime, scare, insult, or bother the person who owns or is on the property, or if they legally enter the property but then stay there unlawfully with the intention to scare, insult, or bother the person or commit a crime, this is called criminal trespass.

(2) If someone commits criminal trespass by entering or staying in any building, tent, or boat used as a home, or any building used for worship or for keeping property, this is called house-trespass.

Explanation. - Even if just a part of the trespasser's body enters the property, it is enough to be considered house-trespass.

(3) If someone commits criminal trespass, they can be punished with up to three months in jail, a fine up to five thousand rupees, or both.

(4) If someone commits house-trespass, they can be punished with up to one year in jail, a fine up to five thousand rupees, or both.

Explanation using Example

Example 1:

Ravi and his friends were playing cricket in their neighborhood. While playing, Ravi hit the ball into Mr. Sharma's garden. Instead of asking for permission, Ravi jumped over the fence and entered Mr. Sharma's property to retrieve the ball. Mr. Sharma saw Ravi and asked him to leave, but Ravi refused and started mocking Mr. Sharma. In this scenario, Ravi has committed criminal trespass because he entered Mr. Sharma's property without permission and with the intent to annoy him.

Example 2:

Priya had a dispute with her neighbor, Mrs. Kapoor, over a boundary wall. One evening, Priya entered Mrs. Kapoor's house without permission to confront her about the issue. Mrs. Kapoor asked Priya to leave, but Priya refused and continued to argue. Priya's actions constitute house-trespass because she unlawfully entered Mrs. Kapoor's dwelling with the intent to intimidate and insult her.

Example 3:

Amit was upset with his colleague, Raj, over a work-related issue. One night, Amit sneaked into Raj's house through an open window with the intent to steal important documents. Raj woke up and caught Amit in the act. Amit's actions are considered house-trespass because he unlawfully entered Raj's dwelling with the intent to commit an offence (theft).

Example 4:

During a religious festival, a group of individuals entered a temple without permission and started creating a ruckus, disturbing the devotees. The temple authorities asked them to leave, but they refused and continued their disruptive behavior. This scenario is an example of house-trespass because the individuals unlawfully entered a place of worship with the intent to annoy and insult the devotees.

Example 5:

Sunil had a disagreement with his landlord over unpaid rent. In retaliation, Sunil entered the landlord's office without permission and started damaging property. The landlord called the police, and Sunil was arrested. Sunil's actions are considered criminal trespass because he entered the landlord's property with the intent to commit an offence (vandalism).

Section 330: House-trespass and house-breaking.

(1) Whoever commits house-trespass having taken precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent or vessel which is the subject of the trespass, is said to commit lurking house-trespass.

(2) A person is said to commit house-breaking who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of the following ways, namely:--

(a) if he enters or quits through a passage made by himself, or by any abettor of the house-trespass, in order to the committing of the house-trespass;

(b) if he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building;

(c) if he enters or quits through any passage which he or any abettor of the house-trespass has opened, in order to the committing of the house-trespass by any means by which that passage was not intended by the occupier of the house to be opened;

(d) if he enters or quits by opening any lock in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass;

(e) if he effects his entrance or departure by using criminal force or committing an assault, or by threatening any person with assault;

(f) if he enters or quits by any passage which he knows to have been fastened against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass.

Explanation: Any out-house or building occupied with a house, and between which and such house there is an immediate internal communication, is part of the house within the meaning of this section.

Illustrations

(a) A commits house-trespass by making a hole through the wall of Z's house, and putting his hand through the aperture. This is house-breaking.

(b) A commits house-trespass by creeping into a ship at a port-hole between decks. This is house-breaking.

(c) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(d) A commits house-trespass by entering Z's house through the door, having opened a door which was fastened. This is house-breaking.

(e) A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a hole in the door. This is house-breaking.

(f) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.

(g) Z is standing in his doorway. A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.

(h) Z, the door-keeper of Y, is standing in Y's doorway. A commits house-trespass by entering the house, having deterred Z from opposing him by threatening to beat him. This is house-breaking.

Simplified Acts

(1) If someone enters a home and tries to hide this from the person who can kick them out, this is called sneaking into the house.

(2) Someone is breaking into a house if they enter or leave the house in one of the following six ways, either to commit a crime or after committing a crime:

(a) They make their own way in or out, like making a hole in the wall.

(b) They use a way not meant for people to enter or leave, like climbing over a wall.

(c) They open a way that was not supposed to be opened, like forcing a window.

(d) They pick a lock to get in or out.

(e) They use force, attack someone, or threaten someone to get in or out.

(f) They get in or out through a locked way that they or their helper unlocked.

Explanation: Any small building or room directly connected to the main house is considered part of the house.

Examples

- (a) A makes a hole in Z's wall and puts his hand through. This is breaking in.
- (b) A sneaks into a ship through a small window. This is breaking in.
- (c) A enters Z's house through a window. This is breaking in.
- (d) A opens a fastened door to enter Z's house. This is breaking in.
- (e) A lifts a latch with a wire to enter Z's house. This is breaking in.
- (f) A finds Z's lost key and uses it to enter Z's house. This is breaking in.
- (g) A knocks Z down and enters Z's house. This is breaking in.
- (h) A threatens Z, who is a doorkeeper, to enter Y's house. This is breaking in.

Explanation using Example

Example 1:

Ravi, a thief, decides to rob a house in a quiet neighborhood. He notices that the house has a small window that is usually closed but not locked. One night, Ravi uses a thin metal rod to open the window and sneaks into the house without making any noise. He steals some valuable items and leaves the same way he entered. This act of entering the house through a window that was not intended for entry and taking precautions to avoid detection constitutes house-breaking and lurking house-trespass under Section 330 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya, who has a dispute with her neighbor, decides to enter the neighbor's house to gather evidence against them. She finds a key under the doormat, which the neighbor had hidden. Priya uses the key to unlock the door and enters the house without the neighbor's knowledge. She takes some photographs and leaves the house, locking the door behind her. Priya's act of using a key she found to enter the house without permission and with the intent to commit an offense inside constitutes house-breaking under Section 330 of The Bharatiya Nyaya Sanhita 2023.

Example 3:

Arjun, who is angry with his landlord, decides to break into the landlord's house to vandalize it. He climbs over the boundary wall and enters the house through a back door that he forces open with a crowbar. After causing damage to the property, he leaves the house the same way he entered. Arjun's act of climbing over the wall and forcing open a door to enter the house and commit an offense inside constitutes house-breaking under Section 330 of The Bharatiya Nyaya Sanhita 2023.

Example 4:

Sunita, who wants to steal confidential documents from her office, decides to break in after hours. She waits until everyone has left and then uses a duplicate key she had made earlier to unlock the office door. She enters the office, takes the documents, and leaves, locking the door behind her. Sunita's act of using a duplicate key to enter the office without permission and with the intent to commit an offense inside constitutes house-breaking under Section 330 of The Bharatiya Nyaya Sanhita 2023.

Example 5:

Manoj, who is planning to rob a jewelry store, decides to enter through the roof. He climbs onto the roof of the store and makes a hole in it to gain entry. Once inside, he steals several pieces of jewelry and exits the store the same way he entered. Manoj's act of making a hole in the roof to enter the store and commit theft inside constitutes house-breaking under Section 330 of The Bharatiya Nyaya Sanhita 2023.

Section 331: Punishment for house-trespass or house-breaking.

(1) Whoever commits lurking house-trespass or house-breaking, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

(2) Whoever commits lurking house-trespass or house-breaking after sunset and before sunrise, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(3) Whoever commits lurking house-trespass or house-breaking, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to three

years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to ten years.

(4) Whoever commits lurking house-trespass or house-breaking after sunset and before sunrise, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and, if the offence intended to be committed is theft, the term of the imprisonment may be extended to fourteen years.

(5) Whoever commits lurking house-trespass, or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description or a term which may extend to ten years, and shall also be liable to fine.

(6) Whoever commits lurking house-trespass or house-breaking after sunset and before sunrise, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

(7) Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(8) If, at the time of the committing of lurking house-trespass or house-breaking after sunset and before sunrise, any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt to any person, every person jointly concerned in committing such lurking house-trespass or house-breaking after sunset and before sunrise, shall be punished with 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.

Simplified Acts

(1) If someone sneaks into or breaks into a house, they can be sent to jail for up to two years and may also have to pay a fine.

(2) If someone sneaks into or breaks into a house at night (after sunset and before sunrise), they can be sent to jail for up to three years and may also have to pay a fine.

(3) If someone sneaks into or breaks into a house to commit a crime that can lead to jail time, they can be sent to jail for up to three years and may also have to pay a fine. If the crime they plan to commit is theft, they can be sent to jail for up to ten years.

(4) If someone sneaks into or breaks into a house at night (after sunset and before sunrise) to commit a crime that can lead to jail time, they can be sent to jail for up to five years and may also have to pay a fine. If the crime they plan to commit is theft, they can be sent to jail for up to fourteen years.

(5) If someone sneaks into or breaks into a house and is prepared to hurt, attack, restrain, or scare someone, they can be sent to jail for up to ten years and may also have to pay a fine.

(6) If someone sneaks into or breaks into a house at night (after sunset and before sunrise) and is prepared to hurt, attack, restrain, or scare someone, they can be sent to jail for up to fourteen years and may also have to pay a fine.

(7) If someone sneaks into or breaks into a house and seriously hurts or tries to kill someone, they can be sent to jail for life or up to ten years and may also have to pay a fine.

(8) If someone sneaks into or breaks into a house at night (after sunset and before sunrise) and voluntarily causes or tries to cause death or serious injury, everyone involved can be sent to jail for life or up to ten years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a local thief, decides to break into Mr. Sharma's house during the day when he knows the family is out. He sneaks into the house by breaking a window and steals some jewelry and cash. Ravi is caught by the police later. Under Section 331(1) of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to two years and may also be fined for committing house-breaking.

Example 2:

Sunil, another thief, plans to break into Mrs. Gupta's house at night. He waits until after sunset and then breaks the lock on the back door to enter the house. Sunil is caught by the police while trying to steal a laptop. Under Section 331(2) of The Bharatiya Nyaya Sanhita 2023, Sunil can be punished with imprisonment for up to three years and may also be fined for committing house-breaking after sunset and before sunrise.

Example 3:

Ramesh breaks into a house at night with the intention of stealing valuable items. He is caught by the police while attempting to steal a gold necklace. Under Section 331(4) of The Bharatiya Nyaya Sanhita 2023, Ramesh can be punished with imprisonment for up to fourteen years and may also be fined because he committed house-breaking after sunset and before sunrise with the intention of committing theft.

Example 4:

Ajay plans to break into a house and has prepared a knife to threaten anyone who might catch him. He breaks into the house at night and is caught by the police. Under Section 331(6) of The Bharatiya Nyaya Sanhita 2023, Ajay can be punished with imprisonment for up to fourteen years and may also be fined because he committed house-breaking after sunset and before sunrise and had made preparations to cause hurt or fear.

Example 5:

Vikram breaks into a house during the day and, when confronted by the homeowner, he attacks and causes grievous hurt to the homeowner. Under Section 331(7) of The Bharatiya Nyaya Sanhita 2023, Vikram can be punished with imprisonment for life or imprisonment for up to ten years and may also be fined because he caused grievous hurt while committing house-breaking.

Example 6:

A group of thieves, including Rajesh, breaks into a house at night. During the burglary, one of the thieves attacks the homeowner, causing grievous hurt. Under Section 331(8) of The Bharatiya Nyaya Sanhita 2023, Rajesh and all the other thieves involved can be punished with imprisonment for life or imprisonment for up to ten years and may also be fined because they were

jointly involved in house-breaking after sunset and before sunrise and caused grievous hurt.

Section 332: House-trespass in order to commit offence.

Whoever commits house-trespass in order to the committing of any offence--

(a) punishable with death, shall be punished with imprisonment for life, or with rigorous imprisonment for a term not exceeding ten years, and shall also be liable to fine;

(b) punishable with imprisonment for life, shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine;

(c) punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine:

Provided that if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

Simplified Acts

If someone breaks into a house to commit a crime--

(a) If the crime can be punished with death, the person can be sentenced to life in prison or up to ten years of hard labor in prison, and they may also have to pay a fine;

(b) If the crime can be punished with life in prison, the person can be sentenced to up to ten years in prison, and they may also have to pay a fine;

(c) If the crime can be punished with imprisonment, the person can be sentenced to up to two years in prison, and they may also have to pay a fine:

However, if the crime they intended to commit is theft, the prison sentence can be extended to seven years.

Explanation using Example

Example 1:

Ravi, a known criminal, breaks into a house at night with the intention of committing murder. Murder is an offence punishable with death under Indian

law. According to Section 332 of the Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for life or rigorous imprisonment for up to ten years, and he may also be fined.

Example 2:

Sunil unlawfully enters his neighbor's house with the intention of kidnapping the neighbor's child. Kidnapping is an offence punishable with imprisonment for life. Under Section 332 of the Bharatiya Nyaya Sanhita 2023, Sunil can be punished with imprisonment for a term not exceeding ten years, and he may also be fined.

Example 3:

Priya sneaks into her colleague's house to steal a valuable piece of jewelry. Theft is an offence punishable with imprisonment. According to Section 332 of the Bharatiya Nyaya Sanhita 2023, Priya can be punished with imprisonment for a term which may extend to two years, and she may also be fined. However, since the intended offence is theft, the term of imprisonment may be extended to seven years.

Example 4:

Arjun enters his ex-girlfriend's house without permission to destroy her property out of revenge. Destruction of property is an offence punishable with imprisonment. Under Section 332 of the Bharatiya Nyaya Sanhita 2023, Arjun can be punished with imprisonment for a term which may extend to two years, and he may also be fined.

Section 333: House-trespass after preparation for hurt, assault or wrongful restraint.

Whoever commits house-trespass, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

If someone breaks into a house and has prepared to:

Hurt someone,

Attack someone,

Wrongfully hold someone back, or

Scare someone with the threat of being hurt, attacked, or wrongfully held back, they can be punished with up to seven years in prison and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a local goon, decides to break into his neighbor Suresh's house at night. Before entering, Ravi arms himself with a knife, intending to threaten Suresh and his family to extort money. Ravi sneaks into the house through a window. Suresh wakes up and confronts Ravi, who brandishes the knife and threatens to harm Suresh if he doesn't hand over his valuables. In this scenario, Ravi has committed house-trespass with preparation for causing hurt and assault, making him liable under Section 333 of the Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya has a dispute with her colleague, Anjali, over a promotion at work. In a fit of rage, Priya decides to confront Anjali at her home. Priya brings along a heavy stick, intending to intimidate Anjali. She enters Anjali's house without permission and blocks the doorway, preventing Anjali from leaving. Priya then threatens Anjali with the stick, causing Anjali to fear for her safety. Here, Priya has committed house-trespass with preparation for wrongful restraint and putting Anjali in fear of hurt, making her liable under Section 333 of the Bharatiya Nyaya Sanhita 2023.

Section 334: Dishonestly breaking open receptacle containing property.

(1) Whoever dishonestly or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(2) Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief, breaks open or unfastens

that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Simplified Acts

(1) If someone dishonestly or with the intention to cause trouble, breaks open or unlocks any closed container that has or they think has property inside, they can be punished with up to two years in jail, a fine, or both.

(2) If someone is given a closed container that has or they think has property inside, and they do not have permission to open it, but they dishonestly or with the intention to cause trouble, break open or unlock that container, they can be punished with up to three years in jail, a fine, or both.

Explanation using Example

Example 1:

Ravi, a resident of Mumbai, sees a locked suitcase left unattended at a railway station. Believing that the suitcase contains valuable items, he breaks the lock and opens it, only to find clothes and personal items. Ravi's actions fall under Section 334(1) of the Bharatiya Nyaya Sanhita 2023, as he dishonestly broke open a closed receptacle believing it contained property. He could be punished with imprisonment for up to two years, a fine, or both.

Example 2:

Sunita, an employee at a courier company in Delhi, is entrusted with a sealed package to be delivered to a customer. Out of curiosity and without any authority, she opens the package and finds a valuable watch inside. Sunita's actions fall under Section 334(2) of the Bharatiya Nyaya Sanhita 2023, as she was entrusted with a closed receptacle and dishonestly opened it without permission. She could be punished with imprisonment for up to three years, a fine, or both.

CHAPTER XVIII: OF OFFENCES RELATING TO DOCUMENTS AND TO PROPERTY MARKS

Section 335: Making a false document.

A person is said to make a false document or false electronic record -

(A) Who dishonestly or fraudulently -

- (i) makes, signs, seals or executes a document or part of a document;
 - (ii) makes or transmits any electronic record or part of any electronic record;
 - (iii) affixes any electronic signature on any electronic record;
 - (iv) makes any mark denoting the execution of a document or the authenticity of the electronic signature, with the intention of causing it to be believed that such document or part of document, electronic record or electronic signature was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed; or
- (B) Who without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with electronic signature either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

Simplified Acts

A person is considered to create a false document or false electronic record if -

- (A) They dishonestly or fraudulently:
- (i) create, sign, seal, or complete a document or part of a document;
 - (ii) create or send any electronic record or part of an electronic record;
 - (iii) attach any electronic signature to any electronic record;
 - (iv) make any mark that shows a document was completed or an electronic signature is real, intending to make others believe that the document, electronic record, or electronic signature was made, signed, sealed, completed, or sent by someone who did not actually do it or authorize it; or
- (B) They, without legal permission, dishonestly or fraudulently, change a document or an electronic record in any important way after it has been made, completed, or signed electronically, either by themselves or by someone else, whether that person is alive or dead at the time of the change.

Explanation using Example

Example 1:

Ravi, a businessman, wants to secure a loan from a bank. However, his financial statements do not reflect a strong financial position. To improve his chances, Ravi creates a false balance sheet showing inflated profits and assets. He signs and submits this document to the bank. Here, Ravi has made a false document with the intention of deceiving the bank into believing that his business is more profitable than it actually is.

Example 2:

Priya, an employee at a software company, is upset with her manager and wants to cause trouble. She gains unauthorized access to the company's payroll system and alters the electronic records to show that her manager received a higher salary than he actually did. Priya then sends these altered records to the company's HR department. In this scenario, Priya has made a false electronic record by altering the payroll data without lawful authority and with fraudulent intent.

Example 3:

Aman, a real estate agent, is trying to sell a piece of land. He creates a fake sale deed by forging the signature of the actual landowner, Mr. Sharma, on the document. Aman then presents this fake sale deed to a potential buyer, claiming that Mr. Sharma has authorized the sale. Here, Aman has made a false document by forging the signature with the intention of deceiving the buyer into believing that the sale is legitimate.

Example 4:

Sunita, a student, wants to get admission into a prestigious university. She alters her previous academic records by changing her grades to higher marks. She then submits these altered records to the university's admission office. Sunita has made a false document by altering her academic records without lawful authority and with the intention of gaining admission through fraudulent means.

Example 5:

Rajesh, an IT professional, is working on a project that requires digital signatures for document verification. He creates a fake electronic signature of his supervisor on a project approval document and submits it to the client. Rajesh has made a false electronic record by affixing an unauthorized electronic signature with the intention of making the client believe that the document was approved by his supervisor.

(C) Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his electronic signature on any electronic record knowing that such person by reason of unsoundness of mind or intoxication can not, or that by reason of deception practised upon him, he does not know the contents of the document or electronic record or the nature of the alteration.

Illustrations

(a) A has a letter of credit upon B for rupees 10,000, written by Z. A, in order to defraud B, adds cipher to the 10,000, and makes the sum 1,00,000 intending that it may be believed by B that Z so wrote the letter. A has committed forgery.

(b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of selling the estate to B and thereby of obtaining from B the purchase-money. A has committed forgery.

(c) A picks up a cheque on a banker signed by B, payable to bearer, but without any sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand rupees. A commits forgery.

(d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the sum payable and authorises B to fill up the cheque by inserting a sum not exceeding ten thousand rupees for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand rupees. B commits forgery.

(e) A draws a bill of exchange on himself in the name of B without B's authority, intending to discount it as a genuine bill with a banker and intending to take up the bill on its maturity. Here, as A draws the bill with intent to deceive the banker by leading him to suppose that he had the security of B, and thereby to discount the bill, A is guilty of forgery.

(f) Z's will contains these words-"I direct that all my remaining property be equally divided between A, B and C." A dishonestly scratches out B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.

(g) A endorses a Government promissory note and makes it payable to Z or his order by writing on the bill the words "Pay to Z or his order" and signing the endorsement. B dishonestly erases the words "Pay to Z or his order", and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(j) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.

(k) A without B's authority writes a letter and signs it in B's name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery in as much as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an express or implied contract for service.

Explanation 1

A man's signature of his own name may amount to forgery.

Illustrations

(a) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. A has committed forgery.

(b) A writes the word "accepted" on a piece of paper and signs it with Z's name, in order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and negotiate the bill as though it had been accepted by Z. A is guilty of forgery; and if B, knowing the fact, draws the bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(c) A picks up a bill of exchange payable to the order of a different person of the same name. A endorses the bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable; here A has committed forgery.

(d) A purchases an estate sold under execution of a decree against B. B, after the seizure of the estate, in collusion with Z, executes a lease of the estate, to Z at a nominal rent and for a long period and dates the lease six months prior to the seizure, with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by antedating it.

(e) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and with intent to defraud his creditors; and in order to give a colour to the transaction, writes a promissory note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Explanation 2

The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

Illustration

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. A commits forgery.

Explanation 3

For the purposes of this section, the expression "affixing electronic signature" shall have the meaning assigned to it in clause (d) of sub-section (1) of section 2 of the Information Technology Act, 2000.

Simplified Acts

(C) If someone dishonestly or fraudulently makes another person sign, seal, execute, or change a document or electronic record, or affix their electronic signature on an electronic record, knowing that the person is unable to understand due to mental illness, intoxication, or deception, they are committing a crime.

Examples

(a) A has a letter of credit for 10,000 rupees written by Z. A adds an extra zero to make it 100,000 rupees to trick B into believing Z wrote it that way. A has committed forgery.

(b) A, without Z's permission, puts Z's seal on a document that falsely shows Z transferring property to A, intending to sell it to B and get money from B. A has committed forgery.

(c) A finds a signed blank cheque from B and fraudulently writes 10,000 rupees on it. A has committed forgery.

(d) A gives B, his agent, a signed blank cheque and authorizes B to fill in an amount up to 10,000 rupees. B fraudulently writes 20,000 rupees. B has committed forgery.

(e) A writes a bill of exchange in B's name without B's permission, intending to use it as a genuine bill to get money from a banker. A has committed forgery.

(f) Z's will says to divide his property equally between A, B, and C. A dishonestly removes B's name to make it look like only A and C will get the property. A has committed forgery.

(g) A endorses a government promissory note to make it payable to Z. B dishonestly erases the endorsement to make it a blank endorsement. B has committed forgery.

(h) A sells property to Z, then fraudulently creates an earlier-dated document showing he sold the same property to B, intending to trick Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes a different beneficiary and tricks Z into signing it. A has committed forgery.

(j) A writes a letter in B's name without permission, claiming A is in distress to get money from Z and others. A has committed forgery.

(k) A writes a letter in B's name without permission, claiming A has good character to get a job from Z. A has committed forgery.

Explanation 1

Signing your own name can still be forgery.

Examples

(a) A signs his own name on a bill of exchange, intending others to believe it was signed by another person with the same name. A has committed forgery.

(b) A writes "accepted" on a paper and signs Z's name, intending B to later write a bill of exchange on it and use it as if Z accepted it. A has committed forgery, and if B uses the paper knowing this, B is also guilty of forgery.

(c) A finds a bill of exchange payable to someone with the same name and endorses it with his own name, intending others to believe it was endorsed by the rightful person. A has committed forgery.

(d) A buys property sold under a court order against B. B, with Z's help, creates a fake lease dated before the court order to defraud A. B has committed forgery.

(e) A trader, anticipating bankruptcy, gives assets to B and writes a promissory note with an earlier date to make it look like it was made before the bankruptcy. A has committed forgery.

Explanation 2

Making a false document in the name of a fake person or a deceased person, intending others to believe it was made by a real or living person, can be forgery.

Example

A writes a bill of exchange in the name of a fake person and fraudulently accepts it in that name to use it. A has committed forgery.

Explanation 3

For this section, "affixing electronic signature" means what is defined in clause (d) of sub-section (1) of section 2 of the Information Technology Act, 2000.

Explanation using Example

Example 1:

Ravi, a businessman, has a letter of credit from his supplier, Mr. Sharma, for ₹50,000. Ravi, intending to deceive his bank, adds an extra zero to the amount, making it ₹500,000. He then presents this altered letter to the bank to secure a larger loan. Ravi has committed forgery under Section 335 of The Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya, an employee at a real estate firm, finds a blank cheque signed by her boss, Mr. Verma. The cheque is meant for a payment of up to ₹20,000. Priya, however, fills in the amount as ₹50,000 and deposits it into her own account. Priya has committed forgery by fraudulently altering the cheque.

Example 3:

Arjun, a property dealer, without the knowledge of the property owner, Mr. Kapoor, creates a fake sale deed showing that Mr. Kapoor has sold his property to Arjun. Arjun then tries to sell this property to a third party, Mr. Singh, using the fake document. Arjun has committed forgery.

Example 4:

Sita, a secretary, is asked by her boss, Mr. Rao, to prepare his will. Mr. Rao dictates that his property should be divided equally among his three children. Sita, intending to benefit herself, writes down only two names and excludes one child. She then convinces Mr. Rao to sign the will. Sita has committed forgery.

Example 5:

Vikram, a software engineer, creates a fake digital signature of his colleague, Anil, on an electronic document to approve a financial transaction without Anil's knowledge. Vikram has committed forgery by affixing a false electronic signature.

Example 6:

Manoj, a trader, is facing financial difficulties and anticipates insolvency. To protect his assets, he transfers his property to his friend, Raj, through a backdated sale deed, making it appear as if the transfer happened before his financial troubles began. Manoj has committed forgery by antedating the document.

Example 7:

Rohit, a student, finds a blank cheque signed by his father, Mr. Mehta, meant for his school fees. Rohit, instead of writing the school's name, writes his own name and fills in a larger amount to buy a new gadget. Rohit has committed forgery.

Example 8:

Anjali, a clerk, writes a recommendation letter for herself using her manager's name and signature without his permission, to secure a new job. Anjali has committed forgery by creating a false document.

Example 9:

Karan, a businessman, drafts a fake agreement showing that his deceased partner, Mr. Joshi, had agreed to transfer all business assets to Karan before his death. Karan uses this document to claim ownership of the business. Karan has committed forgery.

Example 10:

Neha, an accountant, alters the financial records of her company by changing the figures to show higher profits, intending to deceive the shareholders and secure a bonus for herself. Neha has committed forgery by altering the documents.

Section 336: Forgery.

(1) Whoever makes any false document or false electronic record or part of a document or electronic record, with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

(2) Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(3) Whoever commits forgery, intending that the document or electronic record forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(4) Whoever commits forgery, intending that the document or electronic record forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Simplified Acts

(1) If someone makes a fake document or electronic record, or part of one, with the intention to cause harm or damage to the public or any person, to support a false claim, to make someone give up their property, to enter into a contract, or to commit fraud, they are committing forgery.

(2) If someone commits forgery, they can be punished with up to two years in prison, a fine, or both.

(3) If someone commits forgery with the intention of using the fake document or electronic record to cheat someone, they can be punished with up to seven years in prison and a fine.

(4) If someone commits forgery with the intention of using the fake document or electronic record to damage someone's reputation, or knowing it will likely be used for that purpose, they can be punished with up to three years in prison and a fine.

Explanation using Example

Example 1:

Ravi, a businessman, creates a fake property deed showing that he owns a piece of land that actually belongs to his neighbor, Suresh. Ravi then uses this forged document to secure a loan from a bank. When the bank discovers the forgery, Ravi is charged under Section 336 of the Bharatiya Nyaya Sanhita 2023 for making a false document with the intent to cause damage and to support a false claim. Ravi could face imprisonment for up to two years, a fine, or both.

Example 2:

Priya, an employee at a software company, hacks into her colleague's email account and sends a fraudulent email to their boss, falsely accusing the colleague of leaking company secrets. Priya's intention is to harm her colleague's reputation and get them fired. When the forgery is discovered, Priya is charged under Section 336 for creating a false electronic record with the intent to harm someone's reputation. Priya could face imprisonment for up to three years and a fine.

Example 3:

Aman, a student, alters his university's digital grade records to show that he has passed all his exams, even though he has failed several subjects. He then

uses this forged electronic record to apply for a job. When the employer verifies the records and finds the forgery, Aman is charged under Section 336 for making a false electronic record with the intent to commit fraud. Aman could face imprisonment for up to seven years and a fine.

Example 4:

Sunita, a real estate agent, creates a fake rental agreement to show that a property is rented out at a higher rate than it actually is. She uses this forged document to convince a potential buyer to purchase the property at an inflated price. When the buyer discovers the forgery, Sunita is charged under Section 336 for making a false document with the intent to cause the buyer to part with property. Sunita could face imprisonment for up to two years, a fine, or both.

Section 337: Forgery of record of Court or of public register, etc.

Whoever forges a document or an electronic record, purporting to be a record or proceeding of or in a Court or an identity document issued by Government including voter identity card or Aadhaar Card, or a register of birth, marriage or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation

For the purposes of this section, "register" includes any list, data or record of any entries maintained in the electronic form as defined in clause (r) of subsection (1) of section 2 of the Information Technology Act, 2000.

Simplified Acts

Whoever creates a fake document or electronic record that looks like:

A record or proceeding from a Court,

An identity document issued by the Government (like a voter ID card or Aadhaar Card),

A register of birth, marriage, or burial,

A register kept by a public servant,

A certificate or document made by a public servant in their official role,

An authority to start or defend a lawsuit, or to take any legal action, or to admit guilt,

A power of attorney,

will be punished with imprisonment for up to seven years and may also have to pay a fine.

Explanation

For this section, "register" includes any list, data, or record of entries kept in electronic form as defined in the Information Technology Act, 2000.

Explanation using Example

Example 1:

Ravi, a resident of Delhi, creates a fake Aadhaar card using sophisticated software. He uses this forged Aadhaar card to open a bank account. The bank, believing the Aadhaar card to be genuine, opens the account. Later, during a routine verification, the bank discovers that the Aadhaar card is fake. Ravi is charged under Section 337 of the Bharatiya Nyaya Sanhita 2023 for forging an identity document issued by the Government.

Example 2:

Sita, a clerk in a municipal office, alters the birth register to change the birth date of her nephew to make him eligible for school admission a year earlier. She does this without any official authorization. When the school cross-verifies the birth certificate with the municipal records, they find the discrepancy and report it to the authorities. Sita is charged under Section 337 of the Bharatiya Nyaya Sanhita 2023 for forging a public register.

Example 3:

Arjun, a businessman, forges a court order to show that a legal case against his company has been dismissed. He presents this forged document to a potential investor to secure funding. The investor, suspecting foul play, verifies the document with the court and finds it to be fake. Arjun is charged under Section 337 of the Bharatiya Nyaya Sanhita 2023 for forging a document purporting to be a record of court proceedings.

Example 4:

Priya, an IT professional, hacks into the government database and alters the marriage register to show that she is married to a wealthy individual. She then uses this forged record to claim benefits and privileges meant for spouses of government employees. When the fraud is detected, Priya is charged under Section 337 of the Bharatiya Nyaya Sanhita 2023 for forging a register kept by a public servant.

Example 5:

Manoj, a real estate agent, forges a power of attorney document to sell a property that does not belong to him. He presents this forged document to the buyer, who, believing it to be genuine, proceeds with the purchase. When the actual owner of the property discovers the fraud, Manoj is charged under Section 337 of the Bharatiya Nyaya Sanhita 2023 for forging a power of attorney.

Section 338: Forgery of valuable security, will, etc.

Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with 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.

Simplified Acts

If someone creates a fake document that looks like:

A valuable security (like a bond or stock certificate)

A will

A document giving permission to adopt a son

A document giving someone the authority to make or transfer valuable securities

A document giving someone the authority to receive money, interest, or dividends

A document to receive or deliver money or movable property

A receipt acknowledging the payment of money

A receipt for the delivery of movable property or valuable security

That person can be punished with:

Life imprisonment

Imprisonment for up to ten years

A fine

Explanation using Example

Example 1:

Ravi, a businessman, creates a fake will that claims to be the last testament of his wealthy uncle, who recently passed away. The forged will states that Ravi is the sole beneficiary of his uncle's estate, which includes valuable securities and properties. Ravi presents this forged will to the court to claim his uncle's assets. Under Section 338 of the Bharatiya Nyaya Sanhita 2023, Ravi can be charged with forgery of a valuable security and a will, and if found guilty, he could face imprisonment for life or a term up to ten years, along with a fine.

Example 2:

Priya, an employee at a financial firm, forges a document that appears to be an authority letter from a client, authorizing her to transfer valuable securities worth several lakhs of rupees to her own account. She uses this forged document to execute the transfer. When the fraud is discovered, Priya is charged under Section 338 of the Bharatiya Nyaya Sanhita 2023 for forging a document that purports to give authority to transfer valuable securities. If convicted, she could be sentenced to life imprisonment or imprisonment for up to ten years, and she would also be liable to pay a fine.

Section 339: Having possession of document described in section 337 or section 338, knowing it to be forged and intending to use it as genuine.

Whoever has in his possession any document or electronic record, knowing the same to be forged and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document or electronic record is one of the description mentioned in section 337 of this Sanhita, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the description mentioned in section 338, shall be punished with imprisonment for life, or with imprisonment of either description, for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

If someone has a document or electronic record that they know is fake and they plan to use it to trick or cheat others, they can be punished.

If the fake document or electronic record is the type described in section 337 of this law, the person can be sent to prison for up to seven years and may also have to pay a fine.

If the fake document is the type described in section 338, the person can be sent to prison for life or for up to seven years and may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a businessman in Mumbai, comes across a fake property deed that falsely claims ownership of a prime piece of land in the city. Knowing that the document is forged, Ravi decides to use it to secure a large loan from a bank. He presents the forged deed as genuine collateral. The bank, believing the document to be authentic, approves the loan. Later, the forgery is discovered, and Ravi is charged under Section 339 of the Bharatiya Nyaya Sanhita 2023. Since the forged document is a property deed, which falls under the description mentioned in section 337, Ravi faces imprisonment for up to seven years and a fine.

Example 2:

Priya, an IT professional in Bangalore, finds a forged digital certificate that falsely certifies her as a qualified cybersecurity expert. Despite knowing that the certificate is fake, she uses it to apply for a high-paying job at a reputed tech company. The company, convinced by the certificate, hires her. After a few months, the company discovers the forgery during a routine verification

process. Priya is then charged under Section 339 of the Bharatiya Nyaya Sanhita 2023. Since the forged document is an electronic record, which falls under the description mentioned in section 338, Priya faces imprisonment for life or imprisonment for up to seven years, along with a fine.

Section 340: Forged document or electronic record and using it as genuine.

(1) A false document or electronic record made wholly or in part by forgery is designated a forged document or electronic record.

(2) Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such document or electronic record.

Simplified Acts

(1) A document or electronic record that is made completely or partially by forgery is called a forged document or electronic record.

(2) Anyone who knowingly or dishonestly uses a document or electronic record that they know or have reason to believe is forged will be punished as if they had forged it themselves.

Explanation using Example

Example 1:

Ravi, a businessman, creates a fake property deed showing that he owns a piece of land in Mumbai. He uses this forged document to secure a loan from a bank. The bank, believing the document to be genuine, grants him the loan. Later, it is discovered that the property deed was forged. Under Section 340 of the Bharatiya Nyaya Sanhita 2023, Ravi can be prosecuted for using a forged document as genuine, and he will face the same punishment as if he had forged the document himself.

Example 2:

Priya, an employee at a software company, alters an electronic record of her attendance to show that she worked extra hours. She submits this altered electronic record to the HR department to claim overtime pay. The HR department processes her claim and pays her the extra amount. When the

forgery is discovered, Priya can be charged under Section 340 of the Bharatiya Nyaya Sanhita 2023 for fraudulently using a forged electronic record as genuine. She will be punished as if she had forged the electronic record herself.

Section 341: Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 338.

(1) Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 338 of this Sanhita, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(2) Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this Chapter other than section 338, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(3) Whoever possesses any seal, plate or other instrument knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(4) Whoever fraudulently or dishonestly uses as genuine any seal, plate or other instrument knowing or having reason to believe the same to be counterfeit, shall be punished in the same manner as if he had made or counterfeited such seal, plate or other instrument.

Simplified Acts

(1) If someone makes or fakes a seal, plate, or any tool for making an impression, intending to use it for forgery that is punishable under section 338 of this law, or if they have such a fake item knowing it is fake, they can be punished with life imprisonment or imprisonment up to seven years, and they may also have to pay a fine.

(2) If someone makes or fakes a seal, plate, or any tool for making an impression, intending to use it for forgery that is punishable under any section

of this Chapter other than section 338, or if they have such a fake item knowing it is fake, they can be punished with imprisonment up to seven years, and they may also have to pay a fine.

(3) If someone has a fake seal, plate, or any tool knowing it is fake, they can be punished with imprisonment up to three years, and they may also have to pay a fine.

(4) If someone uses a fake seal, plate, or any tool as if it were real, knowing or having reason to believe it is fake, they will be punished the same way as if they had made or faked the seal, plate, or tool.

Explanation using Example

Example 1:

Ravi, a skilled engraver, creates a counterfeit seal that closely resembles the official seal of a prominent Indian university. He intends to use this seal to forge degree certificates for students who are willing to pay a hefty sum for a fake degree. Ravi is caught by the police with the counterfeit seal in his possession. Under Section 341(1) of the Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for life or a term extending up to seven years, and he will also be liable to pay a fine.

Example 2:

Sunita, an employee at a government office, finds a counterfeit stamp that looks like the official stamp used for property registration. She knows it is fake but decides to keep it in her drawer, thinking she might use it someday to help a friend with a property deal. Sunita is later discovered with the counterfeit stamp in her possession. Under Section 341(3) of the Bharatiya Nyaya Sanhita 2023, Sunita can be punished with imprisonment for a term extending up to three years, and she will also be liable to pay a fine.

Example 3:

Ajay, a businessman, comes across a counterfeit seal that looks like the official seal of the Income Tax Department. He decides to use this seal to create fake tax clearance certificates for his clients to evade taxes. Ajay is aware that the seal is counterfeit but uses it anyway. Under Section 341(4) of the Bharatiya Nyaya Sanhita 2023, Ajay can be punished in the same manner as if he had made or counterfeited the seal himself, which could result in imprisonment for life or a term extending up to seven years, along with a fine.

Example 4:

Priya, a graphic designer, is approached by a local gang to create a counterfeit seal of a famous jewelry brand. She knows that the seal will be used to forge authenticity certificates for fake jewelry. Priya agrees and creates the seal. Under Section 341(2) of the Bharatiya Nyaya Sanhita 2023, Priya can be punished with imprisonment for a term extending up to seven years, and she will also be liable to pay a fine.

Section 342: Counterfeiting device or mark used for authenticating documents described in section 338, or possessing counterfeit marked material .

(1) Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document described in section 338, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who, with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

(2) Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document or electronic record other than the documents described in section 338, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

(1) If someone makes a fake device or mark on any material to make a document look real (as described in section 338), and they intend to use it to make a fake document look authentic, or if they have such material with the fake device or mark on it, they can be punished with life imprisonment or imprisonment for up to seven years, and they may also have to pay a fine.

(2) If someone makes a fake device or mark on any material to make any other document or electronic record look real (not covered in section 338), and they intend to use it to make a fake document look authentic, or if they have such material with the fake device or mark on it, they can be punished with imprisonment for up to seven years, and they may also have to pay a fine.

Explanation using Example

Example 1:

Ravi, a businessman, is involved in a scheme to create fake property documents to sell non-existent land to unsuspecting buyers. He manages to get hold of a counterfeit stamp that is used by the local land registry office to authenticate property documents. Ravi uses this counterfeit stamp to create fake property deeds that look genuine. He then sells these fake deeds to multiple buyers, making a significant profit. When the buyers try to register the property, they find out that the documents are fake. Ravi is caught and charged under Section 342(1) of the Bharatiya Nyaya Sanhita 2023 for counterfeiting a device used for authenticating documents described in section 338.

Example 2:

Priya, a software engineer, discovers a way to create fake digital certificates that are used to authenticate electronic contracts. She creates a counterfeit digital signature that mimics the signature used by a well-known certification authority. Priya then uses this counterfeit digital signature to authenticate several forged electronic contracts, making it appear as though they are legitimate. She also possesses several USB drives containing the counterfeit digital signature. Priya is arrested and charged under Section 342(2) of the Bharatiya Nyaya Sanhita 2023 for counterfeiting a device used for authenticating electronic records.

Section 343: Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security.

Whoever fraudulently or dishonestly, or with intent to cause damage or injury to the public or to any person, cancels, destroys or defaces, or attempts to cancel, destroy or deface, or secretes or attempts to secrete any document which is or purports to be a will, or an authority to adopt a son, or any valuable security, or commits mischief in respect of such document, shall be

punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Simplified Acts

If someone fraudulently or dishonestly, or with the intention to cause harm or damage to the public or any person:

Cancels, destroys, or defaces, or tries to cancel, destroy, or deface, or hides or tries to hide any document that is or claims to be:

A will,

An authority to adopt a son,

Any valuable security,

Or causes damage to such a document,

They can be punished with:

Life imprisonment, or

Imprisonment for up to seven years,

And they may also have to pay a fine.

Explanation using Example

Example 1:

Ravi's father, before passing away, wrote a will that left the family house to Ravi. Ravi's brother, Suresh, who was unhappy with this decision, secretly took the will and burned it, hoping that without the will, the property would be divided equally among the siblings. Suresh's actions fall under Section 343 of The Bharatiya Nyaya Sanhita 2023, as he fraudulently destroyed a will with the intent to cause damage to Ravi.

Example 2:

Meena's uncle, who had no children, gave her an authority to adopt his son. Meena's cousin, Priya, who wanted to adopt the son herself, found the document and tore it up, thinking that without the document, Meena would not be able to adopt. Priya's actions are covered under Section 343 of The Bharatiya Nyaya Sanhita 2023, as she dishonestly destroyed an authority to adopt with the intent to cause injury to Meena.

Example 3:

Arjun had a valuable security document that entitled him to a large sum of money. His business partner, Vikram, who was in financial trouble, secretly took the document and hid it, hoping that Arjun would not be able to claim the money and Vikram could use it later. Vikram's actions are punishable under Section 343 of The Bharatiya Nyaya Sanhita 2023, as he fraudulently secreted a valuable security with the intent to cause damage to Arjun.

Example 4:

Sunita's grandmother had written a will leaving her jewelry to Sunita. Sunita's aunt, who wanted the jewelry for herself, found the will and attempted to erase parts of it to make it invalid. Although she was caught before she could complete the act, her attempt to deface the will is covered under Section 343 of The Bharatiya Nyaya Sanhita 2023, as she attempted to deface a will with the intent to cause injury to Sunita.

Section 344: Falsification of accounts.

Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, wilfully, and with intent to defraud, destroys, alters, mutilates or falsifies any book, electronic record, paper, writing, valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully, and with intent to defraud, makes or abets the making of any false entry in, or omits or alters or abets the omission or alteration of any material particular from or in, any such book, electronic record, paper, writing, valuable security or account, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation

It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud, or any particular day on which the offence was committed.

Simplified Acts

If someone is working as a clerk, officer, or servant, or in a similar role, and they intentionally try to cheat by doing any of the following:

Destroying, changing, damaging, or faking any book, electronic record, paper, document, valuable security, or account that belongs to their employer or that they have received for their employer.

Making or helping to make any false entry in any such book, electronic record, paper, document, valuable security, or account.

Leaving out or changing any important detail in any such book, electronic record, paper, document, valuable security, or account.

They can be punished with up to seven years in prison, a fine, or both.

Explanation

When charging someone under this section, it is enough to say that they intended to cheat in general. It is not necessary to name a specific person who was supposed to be cheated, specify a particular amount of money involved, or mention the exact day the crime happened.

Explanation using Example

Example 1:

Ravi works as an accountant for a large retail company in Mumbai. He is responsible for maintaining the financial records of the company. Ravi, with the intent to defraud, alters the company's sales records to show higher sales figures than actually achieved. He does this to make the company appear more profitable to potential investors. Ravi's actions are discovered during an internal audit. Under Section 344 of The Bharatiya Nyaya Sanhita 2023, Ravi can be charged with falsification of accounts, as he wilfully altered the electronic records with the intent to defraud his employer.

Example 2:

Priya is employed as a clerk in a government office in Delhi. She is responsible for handling various official documents and records. Priya, with the intent to help her friend secure a government contract, destroys some critical documents that would have disqualified her friend's company from the bidding process. When the tampering is discovered, Priya is charged under Section 344 of The Bharatiya Nyaya Sanhita 2023 for wilfully destroying documents with the intent to defraud. She faces the possibility of imprisonment for up to seven years, a fine, or both.

OF PROPERTY MARKS

Section 345: Property mark.

(1) A mark used for denoting that movable property belongs to a particular person is called a property mark.

(2) Whoever marks any movable property or goods or any case, package or other receptacle containing movable property or goods, or uses any case, package or other receptacle having any mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked, or any property or goods contained in any such receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark.

(3) Whoever uses any false property mark shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Simplified Acts

(1) A property mark is a mark used to show that a movable item belongs to a specific person.

(2) If someone puts a mark on a movable item, goods, or any container holding such items in a way that makes others believe the items belong to someone else, they are using a false property mark.

(3) Anyone who uses a false property mark will be punished with up to one year in prison, a fine, or both, unless they can prove they did not intend to deceive anyone.

Explanation using Example

Example 1:

Rahul owns a small electronics shop in Delhi. He has a unique logo that he uses as a property mark on all the electronic items he sells, such as mobile phones, laptops, and accessories. This logo helps customers identify that the products belong to Rahul's shop.

One day, another shop owner, Vijay, who runs a similar electronics store nearby, starts using Rahul's logo on his products to attract Rahul's customers.

Vijay marks his goods and packages with Rahul's logo, making it appear as though the products belong to Rahul's shop.

In this scenario, Vijay is using a false property mark. According to Section 345 of The Bharatiya Nyaya Sanhita 2023, Vijay can be punished with imprisonment for up to one year, or with a fine, or both, unless he can prove that he did not intend to defraud.

Example 2:

Sita runs a popular bakery in Mumbai and uses a specific design on her cake boxes as a property mark. This design is well-known among her customers and signifies that the cakes are from her bakery.

Ramesh, who owns a new bakery in the same area, starts using a similar design on his cake boxes to mislead customers into thinking that his cakes are from Sita's bakery. He marks his cake boxes in a way that is reasonably calculated to cause customers to believe that the cakes belong to Sita's bakery.

In this case, Ramesh is using a false property mark. Under Section 345 of The Bharatiya Nyaya Sanhita 2023, Ramesh can be punished with imprisonment for up to one year, or with a fine, or both, unless he can prove that he acted without intent to defraud.

Section 346: Tampering with property mark with intent to cause injury.

Whoever removes, destroys, defaces or adds to any property mark, intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Simplified Acts

If someone removes, destroys, damages, or changes any property mark, and they do it knowing or intending that it might cause harm to someone, they can be punished.

The punishment can be:

Up to one year in jail, or

A fine, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi owns a small electronics shop in Delhi. He sells branded mobile phones that come with a unique holographic sticker as a property mark to indicate authenticity. One day, Ravi's competitor, Suresh, decides to tamper with Ravi's business. Suresh buys several mobile phones from Ravi's shop, removes the holographic stickers, and replaces them with fake ones. He then sells these tampered phones at a lower price, causing customers to believe that Ravi is selling counterfeit products. As a result, Ravi's business suffers significant losses. Under Section 346 of The Bharatiya Nyaya Sanhita 2023, Suresh can be punished for tampering with the property mark with the intent to cause injury to Ravi.

Example 2:

Meena is a farmer in Punjab who sells her produce at the local market. She uses a specific mark on her packaging to indicate that the produce is organic and grown without pesticides. Her neighbor, Ramesh, who also sells produce, decides to sabotage Meena's business. Ramesh sneaks into Meena's storage area and removes the organic certification marks from her packaging. He then adds his own mark, falsely claiming that the produce is not organic. When customers see the altered packaging, they stop buying from Meena, believing her produce is not organic. Meena suffers financial losses and damage to her reputation. Ramesh can be prosecuted under Section 346 of The Bharatiya Nyaya Sanhita 2023 for tampering with the property mark with the intent to cause injury to Meena.

Section 347: Counterfeiting a property mark.

(1) Whoever counterfeits any property mark used by any other person shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(2) Whoever counterfeits any property mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the property is of a particular quality or has passed through a particular office, or that it is entitled to any exemption, or uses as genuine any such mark

knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Simplified Acts

(1) If someone makes a fake version of a property mark that belongs to someone else, they can be sent to jail for up to two years, or they might have to pay a fine, or both.

(2) If someone makes a fake version of a property mark used by a public servant, or a mark that shows something was made by a specific person, at a specific time or place, or that it has a certain quality, or has gone through a certain office, or is exempt from something, or if they use such a fake mark knowing it is fake, they can be sent to jail for up to three years and will also have to pay a fine.

Explanation using Example

Example 1:

Rahul runs a small business manufacturing leather bags. He notices that a competitor, Shyam, has been selling bags with a mark that looks almost identical to Rahul's registered property mark. Rahul's mark is a unique logo that signifies his brand's authenticity and quality. Shyam's counterfeit mark is misleading customers into believing they are purchasing Rahul's high-quality bags when they are not. Under Section 347(1) of The Bharatiya Nyaya Sanhita 2023, Shyam can be punished with imprisonment for up to two years, or with a fine, or both, for counterfeiting Rahul's property mark.

Example 2:

A government official, Mr. Verma, uses a specific mark to certify that certain agricultural products have been inspected and meet quality standards. Ramesh, a local vendor, starts using a counterfeit version of this mark on his substandard products to falsely indicate that they have been officially inspected and approved. This misleads consumers and undermines the integrity of the certification process. Under Section 347(2) of The Bharatiya Nyaya Sanhita 2023, Ramesh can be punished with imprisonment for up to three years and will also be liable to pay a fine for counterfeiting a mark used by a public servant.

Section 348: Making or possession of any instrument for counterfeiting a property mark.

Whoever makes or has in his possession any die, plate or other instrument for the purpose of counterfeiting a property mark, or has in his possession a property mark for the purpose of denoting that any goods belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Simplified Acts

If someone makes or has any tool or device to create fake property marks, or has a property mark to falsely show that goods belong to someone they don't actually belong to, they can be punished.

The punishment can be up to three years in jail, a fine, or both.

Explanation using Example

Example 1:

Ravi owns a small business that manufactures and sells electronic gadgets. To increase his sales, he decides to counterfeit the property mark of a well-known brand, XYZ Electronics, by creating a die that replicates their logo. Ravi uses this die to stamp the counterfeit logo on his products, making them appear as if they are genuine XYZ Electronics products. During a routine inspection, authorities discover the counterfeit die in Ravi's workshop. Under Section 348 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to three years, a fine, or both for making and possessing an instrument for counterfeiting a property mark.

Example 2:

Priya runs a clothing store and comes across a batch of designer handbags at a very low price from an unknown supplier. She suspects that these handbags are counterfeit but decides to purchase them anyway. Priya then uses a counterfeit property mark to label these handbags as belonging to a famous designer brand, ABC Fashion, to sell them at a higher price. During a raid, the police find the counterfeit property marks in her possession. Under Section 348 of The Bharatiya Nyaya Sanhita 2023, Priya can be punished with imprisonment for up to three years, a fine, or both for possessing a property

mark for the purpose of falsely denoting that the goods belong to a well-known designer brand.

Section 349: Selling goods marked with a counterfeit property mark.

Whoever sells, or exposes, or has in possession for sale, any goods or things with a counterfeit property mark affixed to or impressed upon the same or to or upon any case, package or other receptacle in which such goods are contained, shall, unless he proves -

(a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the mark; and

(b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or

(c) that otherwise he had acted innocently,

be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Simplified Acts

If someone sells, shows, or has for sale any goods with a fake trademark on them or on their packaging, they can be punished unless they can prove:

(a) They took all reasonable steps to avoid breaking this law and had no reason to believe the trademark was fake at the time of the alleged offense; and

(b) When asked by the authorities, they provided all the information they had about the person they got the goods from; or

(c) They acted without knowing they were doing something wrong,

They can be punished with up to one year in prison, a fine, or both.

Explanation using Example

Example 1:

Ravi owns a small electronics shop in Mumbai. He receives a shipment of mobile phones that are branded with a well-known company's logo. Ravi sells these phones to his customers, believing them to be genuine. However, it turns

out that the logo on the phones is counterfeit. The police conduct a raid and seize the counterfeit phones. Ravi is charged under Section 349 of the Bharatiya Nyaya Sanhita 2023 for selling goods with a counterfeit property mark.

To defend himself, Ravi must prove:

(a) He took all reasonable precautions to ensure the phones were genuine, such as verifying the supplier's credentials and checking the authenticity of the goods.

(b) He provided all information about the supplier to the authorities when asked.

(c) He acted innocently and had no reason to suspect the phones were counterfeit.

If Ravi can prove these points, he may avoid punishment. Otherwise, he could face imprisonment for up to one year, a fine, or both.

Example 2:

Priya runs a clothing store in Delhi. She buys a batch of designer handbags from a new supplier at a significantly lower price than usual. The handbags have the designer's logo on them. Priya sells these handbags to her customers. Later, it is discovered that the logos on the handbags are counterfeit. Priya is arrested and charged under Section 349 of the Bharatiya Nyaya Sanhita 2023 for selling goods with a counterfeit property mark.

To avoid punishment, Priya must demonstrate:

(a) She took all reasonable precautions to ensure the handbags were genuine, such as asking for authenticity certificates and checking the supplier's reputation.

(b) She provided all the information she had about the supplier to the authorities when requested.

(c) She acted innocently and had no reason to suspect the handbags were counterfeit.

If Priya can successfully prove these defenses, she may not be punished. If not, she could face imprisonment for up to one year, a fine, or both.

Section 350: Making a false mark upon any receptacle containing goods.

(1) Whoever makes any false mark upon any case, package or other receptacle containing goods, in a manner reasonably calculated to cause any public servant or any other person to believe that such receptacle contains goods which it does not contain or that it does not contain goods which it does contain, or that the goods contained in such receptacle are of a nature or quality different from the real nature or quality thereof, shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

(2) Whoever makes use of any false mark in any manner prohibited under sub-section (1) shall, unless he proves that he acted without intent to defraud, be punished as if he had committed the offence under sub-section (1).

Simplified Acts

(1) If someone puts a false label on a box, package, or container that holds goods, and this label is likely to make a public servant or anyone else believe something untrue about what's inside (like thinking it has different goods, or that it doesn't have goods it actually does, or that the goods are of a different type or quality), they can be punished. The punishment can be up to three years in prison, a fine, or both, unless they can prove they didn't mean to cheat anyone.

(2) If someone uses a false label in any way that is not allowed under the first part, they can be punished the same way as described in the first part, unless they can prove they didn't mean to cheat anyone.

Explanation using Example

Example 1:

Ravi owns a small business that sells organic honey. To increase his sales, he decides to label his honey jars with a false mark indicating that the honey is certified by a well-known organic certification body, even though it is not. A customer, believing the false mark, buys the honey thinking it is certified organic. If caught, Ravi could be charged under Section 350 of the Bharatiya Nyaya Sanhita 2023 for making a false mark upon the receptacle containing the honey, leading to potential imprisonment for up to three years, a fine, or both.

Example 2:

Sunita runs a grocery store and receives a shipment of rice. The rice is of a lower quality, but she decides to mark the bags with a label indicating that it is premium quality basmati rice. A public servant conducting an inspection at her store is misled by the false mark and believes the rice to be of higher quality. If Sunita is found to have intentionally marked the bags to deceive, she could be prosecuted under Section 350 of the Bharatiya Nyaya Sanhita 2023, facing imprisonment for up to three years, a fine, or both.

Example 3:

A pharmaceutical company, XYZ Pharma, packages a batch of generic painkillers but labels the boxes with a false mark indicating that they contain a more expensive, branded medication. Hospitals and pharmacies purchase the medication based on the false labeling. If discovered, the company's executives could be held liable under Section 350 of the Bharatiya Nyaya Sanhita 2023 for making a false mark on the receptacles containing the drugs, resulting in potential imprisonment for up to three years, a fine, or both.

Example 4:

Ajay, a wholesaler, receives a consignment of apples that are not organically grown. To fetch a higher price, he labels the crates with a false mark indicating that the apples are organic. A retailer buys the apples based on this false information. If Ajay is found to have intentionally marked the crates to mislead buyers, he could be charged under Section 350 of the Bharatiya Nyaya Sanhita 2023, facing imprisonment for up to three years, a fine, or both.

Example 5:

A textile manufacturer, ABC Textiles, produces a batch of synthetic fabric but labels the rolls with a false mark indicating that they are made of pure cotton. A clothing brand purchases the fabric believing it to be pure cotton. If the false marking is discovered, the manufacturer could be prosecuted under Section 350 of the Bharatiya Nyaya Sanhita 2023, with penalties including imprisonment for up to three years, a fine, or both.

CHAPTER XIX: OF CRIMINAL INTIMIDATION, INSULT, ANNOYANCE, DEFAMATION, ETC:

Section 351: Criminal intimidation.

(1) Whoever threatens another by any means, with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation. - A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration.

A, for the purpose of inducing B to resist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

(2) Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(3) Whoever commits the offence of criminal intimidation by threatening to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(4) Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence under sub-section (1).

Simplified Acts

(1) If someone threatens another person in any way, saying they will harm their body, reputation, property, or someone they care about, with the intention of scaring them or making them do something they don't have to do, or stop them from doing something they have the right to do, that person is committing criminal intimidation.

Explanation. - Threatening to harm the reputation of a deceased person that the threatened person cares about is also considered criminal intimidation.

Example.

If A wants to stop B from continuing a lawsuit and threatens to burn B's house, A is guilty of criminal intimidation.

(2) Anyone who commits criminal intimidation can be punished with up to two years in prison, a fine, or both.

(3) If someone commits criminal intimidation by threatening to kill, cause serious injury, destroy property by fire, commit a crime punishable by death or life imprisonment, or accuse a woman of being unchaste, they can be punished with up to seven years in prison, a fine, or both.

(4) If someone commits criminal intimidation anonymously or hides their identity, they can be punished with up to two years in prison, in addition to the punishment mentioned in section (1).

Explanation using Example

Example 1:

Ravi is a local businessman who has a dispute with his neighbor, Suresh, over a piece of land. To scare Suresh into giving up his claim, Ravi sends a letter to Suresh threatening to harm Suresh's family if he does not withdraw his legal claim. Suresh, fearing for his family's safety, considers dropping the case. Ravi's actions constitute criminal intimidation under Section 351 of the Bharatiya Nyaya Sanhita 2023.

Example 2:

Priya is a journalist who has written an article exposing corruption in a local government office. The corrupt official, Mr. Sharma, calls Priya and threatens to ruin her reputation by spreading false rumors about her personal life if she does not retract the article. Priya, alarmed by the threat, contemplates retracting her article. Mr. Sharma's threat to harm Priya's reputation is an act of criminal intimidation under Section 351.

Example 3:

An anonymous person sends a threatening email to Rajesh, a software engineer, stating that his house will be set on fire if he does not pay a certain amount of money. Rajesh, unable to identify the sender, is terrified and considers paying the money to avoid the threat. The anonymous threat to

destroy Rajesh's property by fire is criminal intimidation under Section 351, and the anonymity of the sender adds to the severity of the offense.

Example 4:

Sunita, a college student, receives a message from an unknown number threatening to release morphed photos of her on social media unless she stops participating in a student protest. Sunita, fearing damage to her reputation, thinks about quitting the protest. The threat to harm Sunita's reputation through false images is criminal intimidation under Section 351, and the use of an unknown number makes it a more serious offense.

Example 5:

Vikram, a shop owner, is approached by a local gangster, Ramesh, who demands protection money. When Vikram refuses, Ramesh threatens to kill Vikram's family if he does not comply. Vikram, alarmed by the threat, considers paying the money. Ramesh's threat to cause death to Vikram's family is a severe form of criminal intimidation under Section 351, punishable with imprisonment for up to seven years.

Section 352: Intentional insult with intent to provoke breach of peace.

Whoever intentionally insults in any manner, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Simplified Acts

If someone purposely insults another person in a way that provokes them, and they know or intend that this provocation will likely cause the person to disturb the public peace or commit a crime, then that person can be punished with up to two years in jail, a fine, or both.

Explanation using Example

Example 1:

Ravi and Suresh are neighbors who have had a long-standing feud over a property boundary. One day, Ravi, in a fit of anger, stands outside Suresh's

house and loudly calls him a thief and a liar in front of other neighbors. Ravi knows that Suresh has a short temper and is likely to react violently. Suresh, provoked by the insult, comes out and starts a physical fight with Ravi, disturbing the peace in the neighborhood. Under Section 352 of the Bharatiya Nyaya Sanhita 2023, Ravi can be charged for intentionally insulting Suresh with the intent to provoke a breach of peace.

Example 2:

Priya and Anjali are colleagues at an office. Priya, who is jealous of Anjali's recent promotion, starts spreading false rumors about Anjali's personal life, calling her derogatory names and questioning her character in front of other colleagues. Priya knows that Anjali is sensitive about her reputation and is likely to confront her aggressively. Anjali, unable to tolerate the continuous insults, confronts Priya in the office, leading to a heated argument that disrupts the workplace environment. Priya can be charged under Section 352 of the Bharatiya Nyaya Sanhita 2023 for intentionally insulting Anjali with the intent to provoke a breach of peace.

Section 353: Statements conducing to public mischief.

(1) Whoever makes, publishes or circulates any statement, false information, rumour, or report, including through electronic means -

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever makes, publishes or circulates any statement or report containing false information, rumour or alarming news, including through electronic means, with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill will

between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

Exception

It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, false information, rumour or report, has reasonable grounds for believing that such statement, false information, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid.

Simplified Acts

(1) If anyone makes, shares, or spreads any false statement, information, rumor, or report, including online, and:

(a) intends to cause, or is likely to cause, any officer, soldier, sailor, or airman in the Indian Army, Navy, or Air Force to rebel or neglect their duty; or

(b) intends to cause, or is likely to cause, fear or panic among the public, or any part of the public, leading someone to commit a crime against the State or public peace; or

(c) intends to incite, or is likely to incite, any group of people to commit a crime against another group,

they can be punished with up to three years in prison, a fine, or both.

(2) If anyone makes, shares, or spreads any false statement, information, rumor, or alarming news, including online, with the intent to create or promote, or is likely to create or promote, feelings of hostility, hatred, or ill will between different religious, racial, language, or regional groups, or castes or communities, they can be punished with up to three years in prison, a fine, or both.

(3) If anyone commits the offense described in section (2) in a place of worship or during a religious ceremony, they can be punished with up to five years in prison and a fine.

Exception

It is not considered an offense under this section if the person making, sharing, or spreading the statement, false information, rumor, or report has reasonable grounds to believe it is true and does so in good faith without any harmful intent.

Explanation using Example

Example 1:

Ravi, a social media influencer, posts a video claiming that the Indian Army is planning a coup against the government. He has no evidence to support this claim and does it to gain more followers. This false information causes panic among the public and some soldiers start questioning their duties. Ravi's actions fall under Section 353(1)(a) and (b) of The Bharatiya Nyaya Sanhita 2023, and he can be punished with imprisonment up to three years, or with a fine, or both.

Example 2:

Priya, a resident of Delhi, circulates a message on WhatsApp stating that a particular religious community is planning to attack another community during a festival. This message is false and creates fear and tension between the communities. Priya's actions fall under Section 353(1)(c) and (2) of The Bharatiya Nyaya Sanhita 2023, and she can be punished with imprisonment up to three years, or with a fine, or both.

Example 3:

During a religious ceremony at a temple, Rajesh makes an announcement that people from a certain caste are planning to disrupt the event. This statement is false and creates enmity between different caste groups present at the ceremony. Rajesh's actions fall under Section 353(3) of The Bharatiya Nyaya Sanhita 2023, and he can be punished with imprisonment up to five years and a fine.

Example 4:

Anita, a journalist, publishes an article claiming that a particular language-speaking community is being discriminated against by the government. She has reasonable grounds to believe this information is true based on her research and publishes it in good faith without any intent to cause enmity or

hatred. Anita's actions fall under the exception provided in Section 353, and she is not liable for any offence under this section.

Section 354: Act caused by inducing person to believe that he will be rendered an object of Divine displeasure.

Whoever voluntarily causes or attempts to cause any person to do anything which that person is not legally bound to do, or to omit to do anything which he is legally entitled to do, by inducing or attempting to induce that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object of Divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Illustrations

(a) A sits dharna at Z's door with the intention of causing it to be believed that, by so sitting, he renders Z an object of Divine displeasure. A has committed the offence defined in this section.

(b) A threatens Z that, unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be believed to render Z an object of Divine displeasure. A has committed the offence defined in this section.

Simplified Acts

Whoever tries to make someone do something they don't have to do by law, or stop them from doing something they are allowed to do by law, by making them believe that they or someone they care about will be punished by a higher power if they don't do what is asked, will be punished. The punishment can be up to one year in jail, a fine, or both.

Examples

(a) A person sits in protest at someone's door to make them believe that by doing so, the person at the door will be punished by a higher power. This is a crime.

(b) A person threatens someone that if they don't do a certain thing, the person will harm their own child, making the other person believe that this harm will cause them to be punished by a higher power. This is a crime.

Explanation using Example

Example 1:

Ravi, a local priest, tells Suresh that if he does not donate a large sum of money to the temple, the gods will be angry with him and his family will suffer misfortune. Suresh, fearing divine displeasure, feels compelled to make the donation even though he is not legally required to do so. Ravi's actions fall under Section 354 of the Bharatiya Nyaya Sanhita 2023, as he induced Suresh to believe that he would become an object of divine displeasure if he did not comply.

Example 2:

Priya, a village elder, tells Meena that if she does not stop her daughter from attending school, the gods will curse their family and bring bad luck. Meena, who values education, is legally entitled to send her daughter to school but feels pressured to comply due to the fear of divine displeasure. Priya's actions are punishable under Section 354 of the Bharatiya Nyaya Sanhita 2023, as she attempted to induce Meena to omit a legally entitled action by invoking divine displeasure.

Section 355: Misconduct in public by a drunken person.

Whoever, in a state of intoxication, appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with:

Simple imprisonment for a term which may extend to twenty-four hours,

Fine which may extend to one thousand rupees,

Both imprisonment and fine, or

Community service.

Simplified Acts

If someone is drunk and shows up in a public place or a place they are not allowed to be, and they behave in a way that bothers other people, they can be punished with:

Jail time for up to twenty-four hours,

A fine of up to one thousand rupees,

Both jail time and a fine, or

Community service.

Explanation using Example

Example 1:

Ravi, after consuming a significant amount of alcohol at a friend's party, decides to walk home. On his way, he enters a public park and starts shouting loudly, using abusive language, and disturbing the peace of families and children present there. Several people in the park feel annoyed and uncomfortable due to Ravi's behavior. Under Section 355 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with simple imprisonment for up to twenty-four hours, a fine up to one thousand rupees, both, or community service.

Example 2:

Sunita, heavily intoxicated, stumbles into a private residential complex where she does not reside and has no permission to enter. She starts banging on doors and windows, causing a disturbance and scaring the residents. The residents call the police, and Sunita is arrested for her misconduct. According to Section 355 of The Bharatiya Nyaya Sanhita 2023, Sunita can face simple imprisonment for up to twenty-four hours, a fine up to one thousand rupees, both, or community service for her actions.

OF DEFAMATION

Section 356: Defamation.

(1) Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes in any manner, any imputation concerning any person intending to harm, or knowing or having reason to

believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.

Explanation 1

It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2

It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3

An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4

No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations

(a) A says-"Z is an honest man; he never stole B's watch"; intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it falls within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it falls within one of the exceptions.

(c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it falls within one of the exceptions.

Exception 1

It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Exception 2

It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

Exception 3

It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

Illustration

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

Exception 4

It is not defamation to publish substantially true report of the proceedings of a Court, or of the result of any such proceedings.

Explanation

A Magistrate or other officer holding an inquiry in open Court preliminary to a trial in a Court, is a Court within the meaning of the above section.

Exception 5

It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

Illustrations

(a) A says-"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest". A is within this exception if he says this in good faith, in as much as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

(b) But if A says-"I do not believe what Z asserted at that trial because I know him to be a man without veracity"; A is not within this exception, in as much as the opinion which expresses of Z's character, is an opinion not founded on Z's conduct as a witness.

Simplified Acts

(1) If someone, through spoken or written words, signs, or visible representations, makes or publishes any statement about another person with the intention of harming, or knowing it could harm, that person's reputation, it is considered defamation, except in certain cases mentioned later.

Explanation 1

It can be defamation to say something bad about a deceased person if it would harm their reputation if they were alive and is meant to hurt the feelings of their family or close relatives.

Explanation 2

It can be defamation to make a harmful statement about a company, association, or group of people.

Explanation 3

A statement that is presented as an alternative or said sarcastically can also be considered defamation.

Explanation 4

A statement is considered harmful to someone's reputation if it lowers their moral or intellectual character, affects their social standing, damages their credit, or makes others believe they are in a disgraceful physical state.

Illustrations

(a) If A says, "Z is an honest man; he never stole B's watch," intending to imply that Z did steal B's watch, this is defamation unless it falls under an exception.

(b) If A is asked who stole B's watch and A points to Z, intending to imply that Z stole B's watch, this is defamation unless it falls under an exception.

(c) If A draws a picture of Z running away with B's watch, intending to imply that Z stole B's watch, this is defamation unless it falls under an exception.

Exception 1

It is not defamation if the statement is true and it is for the public good that it is made or published. Whether it is for the public good is a matter of fact.

Exception 2

It is not defamation to express a good faith opinion about the conduct of a public servant in their official duties, or about their character as it appears in that conduct.

Exception 3

It is not defamation to express a good faith opinion about the conduct of any person on a public issue, or about their character as it appears in that conduct.

Illustration

It is not defamation for A to express a good faith opinion about Z's actions in petitioning the government on a public issue, signing a request for a public meeting, attending such a meeting, forming or joining a society that seeks public support, or campaigning for a candidate for a public position.

Exception 4

It is not defamation to publish a substantially true report of court proceedings or the results of such proceedings.

Explanation

A Magistrate or other officer conducting an open court inquiry before a trial is considered a court for the purposes of this section.

Exception 5

It is not defamation to express a good faith opinion about the merits of a case decided by a court, or about the conduct of any person involved in such a case, as long as the opinion is based on their conduct in that case.

Illustrations

(a) If A says, "I think Z's evidence in that trial is so contradictory that he must be stupid or dishonest," A is within this exception if he says this in good faith, as the opinion is about Z's conduct as a witness.

(b) But if A says, "I do not believe what Z said at that trial because I know him to be a liar," A is not within this exception, as the opinion is not based on Z's conduct as a witness.

Explanation using Example

Example 1:

Ravi, a journalist, writes an article in a local newspaper claiming that Suresh, a well-known businessman, has been embezzling funds from his company. Ravi does not have any evidence to support this claim and publishes the article with the intention of harming Suresh's reputation. Suresh finds out about the article and sues Ravi for defamation. Under Section 356 of The Bharatiya Nyaya Sanhita 2023, Ravi could be held liable for defamation as he made a false imputation intending to harm Suresh's reputation.

Example 2:

Priya, a social media influencer, posts a video on her channel where she sarcastically comments, "Oh, look at Mr. Honest Ramesh, who never cheats on his taxes," while showing a picture of Ramesh. Priya's followers start believing that Ramesh is a tax evader. Ramesh, feeling his reputation has been damaged, decides to take legal action against Priya. According to Section 356, Priya's sarcastic comment could be considered defamation as it indirectly lowers Ramesh's moral character in the eyes of others.

Example 3:

A local activist group publishes a pamphlet accusing a deceased politician of being corrupt during his tenure. The politician's family is deeply hurt by these accusations and believes it tarnishes his legacy. They decide to file a defamation suit against the activist group. Under Explanation 1 of Section 356, imputations against a deceased person that harm their reputation and hurt the feelings of their family can be considered defamation.

Example 4:

A cartoonist draws a caricature of a well-known company CEO, depicting him as a thief stealing money from the company's safe. The cartoon is published in a popular magazine. The CEO feels that this has damaged his reputation and decides to sue the cartoonist and the magazine for defamation. According to Explanation 2 of Section 356, making an imputation concerning a company or its representative can amount to defamation.

Example 5:

During a public debate, Anil, a political commentator, states, "I believe the evidence presented by Mr. Sharma in the recent corruption case was so inconsistent that he must be either incompetent or dishonest." Anil's statement is based on his observation of Mr. Sharma's conduct during the trial. Mr. Sharma sues Anil for defamation. However, under Exception 5 of Section 356, Anil's statement may not be considered defamation as it is an opinion expressed in good faith regarding Mr. Sharma's conduct as a witness in a court case.

Exception 6

It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Explanation

A performance may be submitted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.

(d) A says of a book published by Z - "Z's book is foolish; Z must be a weak man. Z's book is indecent; Z must be a man of impure mind." A is within the

exception, if he says this in good faith, in as much as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no further.

(e) But if A says "I am not surprised that Z's book is foolish and indecent, for he is a weak man and a libertine." A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book.

Exception 7

It is not defamation in a person having over another any authority, either conferred by law or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

Illustration

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his orders, a parent censuring in good faith a child in the presence of other children; a schoolmaster, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier are within this exception.

Exception 8

It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter of accusation.

Illustration

If A in good faith accuses Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father - A is within this exception.

Exception 9

It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.

Illustrations

(a) A, a shopkeeper, says to B, who manages his business - "Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests.

(b) A, a Magistrate, in making a report to his own superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception.

Exception 10

It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

Penalties

(2) Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both or with community service.

(3) Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

(4) Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Simplified Acts

Exception 6

It is not defamation if you honestly express an opinion about the quality of a performance that the author has presented to the public, or about the author's character as it appears in that performance, and nothing more.

Explanation

A performance is considered presented to the public if the author explicitly or implicitly invites public judgment.

Illustrations

- (a) If someone publishes a book, they are inviting the public to judge it.
- (b) If someone gives a speech in public, they are inviting the public to judge it.
- (c) If an actor or singer performs on a public stage, they are inviting the public to judge their performance.
- (d) If A says about a book by Z - "Z's book is foolish; Z must be a weak person. Z's book is indecent; Z must have an impure mind." A is not defaming Z if A says this honestly and only based on Z's book.
- (e) But if A says "I am not surprised that Z's book is foolish and indecent, because he is a weak person and a libertine." A is defaming Z because this opinion is not based on Z's book.

Exception 7

It is not defamation if someone with legal or contractual authority over another person criticizes that person's conduct in matters related to that authority, as long as it is done honestly.

Illustration

A judge criticizing a witness or court officer, a department head criticizing their subordinates, a parent criticizing a child in front of other children, a schoolmaster (with authority from a parent) criticizing a student in front of other students, a boss criticizing an employee for poor performance, or a banker criticizing a cashier for their conduct are all examples of this exception.

Exception 8

It is not defamation to honestly accuse someone to a person who has legal authority over them regarding the subject of the accusation.

Illustration

If A honestly accuses Z before a Magistrate, complains about Z's conduct to Z's employer, or complains about Z's behavior to Z's parent, A is not defaming Z.

Exception 9

It is not defamation to make a statement about someone's character if it is done honestly to protect the interests of the person making the statement, someone else, or for the public good.

Illustrations

(a) If A, a shopkeeper, tells B, who manages his business - "Don't sell anything to Z unless he pays upfront, because I don't trust his honesty." A is not defaming Z if A says this honestly to protect his own interests.

(b) If A, a Magistrate, makes a report to his superior officer that includes a statement about Z's character, A is not defaming Z if the statement is made honestly and for the public good.

Exception 10

It is not defamation to honestly warn someone about another person if the warning is intended for the good of the person receiving the warning, someone they care about, or for the public good.

Penalties

(2) Anyone who defames another person can be punished with simple imprisonment for up to two years, a fine, or both, or with community service.

(3) Anyone who prints or engraves defamatory material, knowing or having good reason to believe it is defamatory, can be punished with simple imprisonment for up to two years, a fine, or both.

(4) Anyone who sells or offers for sale printed or engraved material containing defamatory content, knowing it is defamatory, can be punished with simple imprisonment for up to two years, a fine, or both.

Explanation using Example

Example 1:

Ravi, a well-known book critic, writes a review of a newly published novel by author Priya. In his review, Ravi states, "Priya's novel is poorly written and lacks depth. It seems like Priya does not have a strong grasp of storytelling." Ravi's comments are based on his honest opinion of the book's merits and are made in good faith. According to Exception 6 of Section 356, Ravi's statements do not constitute defamation because they are his opinions on the performance (the novel) that Priya has submitted to public judgment.

Example 2:

Meera, a school principal, reprimands a teacher, Mr. Sharma, in front of other staff members for not following the school's code of conduct. Meera's authority to censure Mr. Sharma arises from her position as the principal. As long as Meera's censure is made in good faith and pertains to Mr. Sharma's professional conduct, it falls under Exception 7 of Section 356 and does not amount to defamation.

Example 3:

Raj, a concerned citizen, files a complaint with the local police station against his neighbor, Mr. Kumar, alleging that Mr. Kumar is involved in illegal activities. Raj makes this accusation in good faith, believing it to be true and necessary for the authorities to investigate. According to Exception 8 of Section 356, Raj's complaint is not considered defamation because it is made to a person with lawful authority over the matter.

Example 4:

Sita, a shop owner, warns her assistant, "Do not extend credit to Mr. Verma because I have doubts about his ability to repay." Sita's statement is made in good faith to protect her business interests. Under Exception 9 of Section 356, Sita's warning is not defamatory because it is made for the protection of her interests.

Example 5:

Anita, a bank manager, advises her colleague, "Be cautious while dealing with Mr. Singh, as I have heard he has a history of defaulting on loans." Anita's caution is intended for the good of her colleague and the bank. According to Exception 10 of Section 356, Anita's statement is not considered defamation because it is a good faith caution intended for the benefit of the person to whom it is conveyed.

Example 6:

Vikram, a journalist, publishes an article alleging that a local politician, Mr. Desai, is involved in corruption. Vikram has substantial evidence to support his claims and believes that exposing the corruption is in the public interest. If Vikram's allegations are made in good faith and for the public good, they fall under Exception 9 of Section 356 and are not considered defamation.

Example 7:

A local newspaper prints an article claiming that a businessman, Mr. Kapoor, is involved in fraudulent activities. The editor of the newspaper knows that the allegations are false but publishes the article anyway to damage Mr. Kapoor's reputation. According to Section 356, the editor can be punished with imprisonment, a fine, or both, as the act of printing defamatory matter knowingly is a punishable offense.

Example 8:

A bookstore owner sells a magazine containing defamatory statements about a celebrity, knowing that the magazine contains such matter. Under Section 356, the bookstore owner can be punished with imprisonment, a fine, or both, for selling printed material containing defamatory content.

OF BREACH OF CONTRACT TO ATTEND ON AND SUPPLY WANTS OF HELPLESS PERSON

Section 357: Breach of contract to attend on and supply wants of helpless person.

Whoever, being bound by a lawful contract to attend on or to supply the wants of any person who, by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

Simplified Acts

If someone has a legal duty to take care of or provide for a person who cannot take care of themselves because they are young, mentally ill, sick, or physically weak, and they choose not to do so, they can be punished.

The punishment can be:

Up to three months in jail, or

A fine of up to five thousand rupees, or

Both jail time and a fine.

Explanation using Example

Example 1:

Ravi, a caretaker, enters into a lawful contract with the family of Mr. Sharma, an elderly man suffering from Alzheimer's disease. According to the contract, Ravi is supposed to provide daily meals, administer medication, and ensure Mr. Sharma's overall well-being. However, Ravi voluntarily neglects his duties and fails to provide meals and medication for several days. As a result, Mr. Sharma's health deteriorates significantly. Under Section 357 of The Bharatiya Nyaya Sanhita 2023, Ravi can be punished with imprisonment for up to three months, a fine up to five thousand rupees, or both for breaching the contract to attend to and supply the wants of a helpless person.

Example 2:

Meena, a nurse, is hired under a lawful contract to take care of Rohan, a 10-year-old boy who is bedridden due to a severe illness. The contract specifies that Meena must ensure Rohan receives his daily treatments, meals, and personal care. Despite being fully aware of her responsibilities, Meena decides to skip her duties for several days to attend a personal event, leaving Rohan without necessary care. Consequently, Rohan's condition worsens. Under Section 357 of The Bharatiya Nyaya Sanhita 2023, Meena can be held legally accountable and may face imprisonment for up to three months, a fine up to five thousand rupees, or both for failing to fulfill her contractual obligations to a helpless person.

CHAPTER XX: REPEAL AND SAVINGS

Section 358: Repeal and savings.

Repeal of the Indian Penal Code

- (1) The Indian Penal Code is hereby repealed.
- (2) Notwithstanding the repeal of the Code referred to in sub-section (1), it shall not affect:
 - (a) the previous operation of the Code so repealed or anything duly done or suffered thereunder; or
 - (b) any right, privilege, obligation or liability acquired, accrued or incurred under the Code so repealed; or

(c) any penalty, or punishment incurred in respect of any offences committed against the Code so repealed; or

(d) any investigation or remedy in respect of any such penalty, or punishment; or

(e) any proceeding, investigation or remedy in respect of any such penalty or punishment as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed as if that Code had not been repealed.

(3) Notwithstanding such repeal, anything done or any action taken under the said Code shall be deemed to have been done or taken under the corresponding provisions of this Sanhita.

(4) The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of the repeal.

Simplified Acts

Repeal of the Indian Penal Code

(1) The Indian Penal Code is officially cancelled.

(2) Even though the Indian Penal Code is cancelled, this does not change the following:

(a) Anything that was done or experienced under the old Code still counts.

(b) Any rights, privileges, obligations, or responsibilities that were gained or incurred under the old Code still exist.

(c) Any penalties or punishments for crimes committed under the old Code still apply.

(d) Any investigations or solutions related to those penalties or punishments can still happen.

(e) Any legal proceedings or actions related to those penalties or punishments can still be started, continued, or enforced as if the old Code was still in place.

(3) Even though the old Code is cancelled, anything done or any action taken under it will be considered as done under the new law.

(4) The specific points mentioned in section (2) do not affect the general rules about repealing laws as stated in section 6 of the General Clauses Act, 1897.

Explanation using Example

Example 1:

Scenario: Raj was charged under the Indian Penal Code (IPC) for theft in 2022. The case is still ongoing when the Bharatiya Nyaya Sanhita 2023 comes into effect.

Application of Section 358:

Repeal of IPC: The IPC is repealed by the Bharatiya Nyaya Sanhita 2023.

Previous Operation: Raj's case will continue under the provisions of the IPC as it was before the repeal. The repeal does not affect the ongoing case.

Penalty and Punishment: If Raj is found guilty, he will be punished according to the IPC, not the new Sanhita.

Investigation and Proceedings: Any investigation or legal proceedings related to Raj's case will proceed as if the IPC had not been repealed.

Example 2:

Scenario: Priya was awarded a compensation under a provision of the IPC for an injury she suffered due to an assault in 2021. The compensation process is still in progress when the Bharatiya Nyaya Sanhita 2023 is enacted.

Application of Section 358:

Repeal of IPC: The IPC is repealed by the Bharatiya Nyaya Sanhita 2023.

Rights and Privileges: Priya's right to compensation, which was acquired under the IPC, remains unaffected by the repeal.

Proceedings and Remedies: The process to award Priya her compensation will continue under the IPC provisions as if the IPC had not been repealed.

General Application: The general principles of the General Clauses Act, 1897, ensure that Priya's rights and the ongoing process are protected despite the repeal.

Example 3:

Scenario: An investigation was initiated against a company for fraud under the IPC in 2020. The investigation is still ongoing when the Bharatiya Nyaya Sanhita 2023 is enacted.

Application of Section 358:

Repeal of IPC: The IPC is repealed by the Bharatiya Nyaya Sanhita 2023.

Previous Operation: The investigation will continue under the IPC provisions as they were before the repeal.

Penalties and Punishments: Any penalties or punishments that may be imposed on the company will be according to the IPC.

Proceedings and Remedies: Legal proceedings and remedies related to the investigation will proceed as if the IPC had not been repealed.

General Application: The General Clauses Act, 1897, ensures that the investigation and any subsequent actions are not affected by the repeal.

Example 4:

Scenario: A court had issued an arrest warrant under the IPC for an individual accused of embezzlement in 2019. The individual is arrested in 2024, after the Bharatiya Nyaya Sanhita 2023 has come into effect.

Application of Section 358:

Repeal of IPC: The IPC is repealed by the Bharatiya Nyaya Sanhita 2023.

Previous Operation: The arrest warrant issued under the IPC remains valid.

Penalties and Punishments: If the individual is found guilty, the punishment will be according to the IPC.

Proceedings and Remedies: The legal proceedings will continue under the IPC provisions as if the IPC had not been repealed.

General Application: The General Clauses Act, 1897, ensures that the arrest warrant and subsequent legal actions are valid despite the repeal.