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MISCELLANEOUS OFFENCES - BNS

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OFFENCES AGAINST THE STATE

147. Waging, or attempting to wage war, or abetting waging of war, against Government of India.

Waging War : Any individual who actively participates in actions intended to wage war against the Government of India is committing a severe crime under this section. This includes using weapons or other means to challenge the authority of the state.

Attempting to Wage War : Even if a person does not fully carry out a war but makes an attempt to do so by planning, gathering forces, or resources, they are liable under this law.

Abetting Waging of War : Supporting or encouraging others to wage war is also punishable under this section. This can involve giving financial help, moral support, or strategic guidance to rebels or insurgents.

152. Act endangering sovereignty, unity and integrity of India.

BNS Section 152 addresses actions that threaten the sovereignty, unity, and integrity of India. It punishes individuals who, through words (spoken or written), signs, or any form of communication (including electronic means), attempt to excite rebellion, secession, or any separatist activities. The law aims

to preserve the nation's unity by taking strict action against those who seek to harm the country's integrity.

Endangering Sovereignty: Any person who engages in activities that threaten India's sovereignty or promotes division among the country is subject to punishment.

Various Forms of Communication: This includes spoken or written words, signs, or electronic communication used to promote rebellion (opposition to authority) or separatist activities.

Promotion of Secession: Individuals who try to incite secession (group becoming independent from the country) or separatist movements within India are punished under this section.

Note :

The Section (124A of the IPC) relating to **sedition** was misused and hence has been deleted. The constitutionality of section 124A was challenged before the Hon'ble Supreme court in *S.G. Vombatkere Vs Union of India*, (2022). The Supreme Court directed all the State Governments and the Central Government to keep all pending trials, appeals and proceedings arising out of charged framed under section 124A in abeyance. The Union of India assured the Hon'ble Supreme court that it has been re-examining Section 124A.

OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

159. Abetting mutiny or attempting to seduce a soldier, sailor or airman from his duty.

- Abetting mutiny (riot/revolt/protest) in the Army, Navy, or Air Force.
- Attempting to seduce military personnel from their duty or allegiance.
- Officers, soldiers, sailors, or airmen serving in the Indian Armed Forces are covered in this section.

Example : Inciting Mutiny in the Army

A political leader gives a speech urging soldiers to revolt against their commanding officers. Since this abets mutiny, the leader can be prosecuted under Section 159 BNS.

161. Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office.

- The accused must have actively abetted an assault.
- The offender (soldier, sailor, or airman) must have committed the assault.
- The victim must be a superior officer performing their official duties at the time of the assault.

OFFENCES RELATING TO ELECTIONS

170. Bribery.

BNS Section 170 specifically targets bribery during elections. It makes it illegal for any person to offer or receive money, gifts, or any kind of benefit in exchange for influencing someone's vote.

The goal of this law is to maintain the fairness and integrity of elections, ensuring that voters make their decisions freely without any external pressures. It could be offered to reward someone for voting in a particular way or to induce them to vote for a specific candidate.

- Both giver and receiver can be punished.
- Attempts to bribe are also punishable.

171. Undue influence at elections.

- Undue influence refers to any act or threat that compels a person to vote or refrain from voting in a certain way.
- Section 170 of BNS make it an offence to exert undue influence on voters during elections.

- This includes using coercion, intimidation, or any other unlawful means to influence voter behavior.

OFFENCES RELATING TO COIN, CURRENCY-NOTES, BANK-NOTES, AND GOVERNMENT STAMPS

178. Counterfeiting coin, Government stamps, currency-notes or bank-notes.

- BNS 178 criminalizes the act of counterfeiting any coin, stamp issued by the government, or currency notes/banknotes. This includes not only the creation of fake items but also knowingly participating in any part of the process of counterfeiting.
- Bank notes means a promissory note or substitute of money.
- Under this section, “coin” refers to any metal that is stamped and issued by a sovereign authority for use as money. It includes coins as defined in the Coinage Act, 2011, and covers metal used as legal tender.
Counterfeiting coin includes diminishing the weight or alteration or alteration of the appearance of the coin.
- *Counterfeiting Government Stamps:* The section defines the specific offence of counterfeiting government stamps. It includes causing a stamp of one denomination to appear as a stamp of a different denomination.
- **Example 1:** If someone prints fake currency notes or helps modify a coin to make it look like a different one, they are committing this offence.
- **Example 2:** A person who provides machinery or materials used for making counterfeit notes is as culpable as the one printing the notes.

179. Using as genuine, forged or counterfeit coin, Government stamp, currency-notes or bank-notes

- Bharatiya Nyaya Sanhita (BNS) Section 179 addresses the illegal act of using or trafficking forged or counterfeit coins, government stamps, currency notes, or banknotes as if they were genuine.

- This section deals with individuals who knowingly or having reason to believe that an item (coin, stamp, currency note, or banknote) is forged or counterfeit, yet they proceed to sell, deliver, buy, receive, or traffic in those items.
- This section covers various forms of dealing with counterfeit items, such as importing, selling, delivering, or receiving them while knowing or having reason to believe they are counterfeit.

Forged: Refers to something that has been fraudulently made or altered with the intent to deceive, particularly financial or official items like coins, stamps, or banknotes.

Counterfeit: Items that are falsely made to appear as if they are authentic or genuine, often mimicking the look of legitimate coins, stamps, or notes issued by authorities.

Trafficking: The act of selling, trading, or moving illegal goods, in this case, counterfeit or forged currency or stamps.

- **Example:** If someone knowingly uses a forged currency note in a transaction or buys a fake government stamp, they commit this offence.

OFFENCES BY OR RELATING TO PUBLIC SERVANTS

198. Public servant disobeying law, with intent to cause injury to any person.

This section deals with the criminal liability of a public servant who intentionally disobeys a legal directive, causing harm to someone. The key elements of this offence are:

Public Servant : The accused must be a public servant as defined in BNS Section 2(28).

Disobeying Law : The accused must disobey a specific direction of law, which means a legal rule or regulation that they are bound to follow by virtue of their position.

Intention or Knowledge of Causing Injury : The accused must act with the intent to cause injury or with the knowledge that their disobedience will likely cause injury to someone.

Injury : The injury caused can be physical, mental, or financial.

199. Public servant disobeying direction under law.

For this offence to be established, the following elements must be present:

- ✓ The accused must be a public servant.
- ✓ The accused must have disobeyed a direction of the law.
- ✓ The disobedience must have been intentional.
- ✓ The intent must have been to cause injury to any person, or the accused must have had knowledge that injury would likely result from the disobedience.

203. Public servant unlawfully buying or bidding for property.

This section applies strictly to individuals holding a public office who are prohibited from engaging in certain property transactions.

Prohibition on Purchase or Bidding: Public servants cannot bid or purchase restricted property, whether in their own name, through another person, or in partnership with others.

The following points must be proved under section 203 are

- The accused was a public servant
- He was legally bound not to purchase or bid for (an offer made by an investor) the property in question
- He had purchased or bid for that property either in his own name, or in the name of another, or jointly, or in shares with others.

CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

207. Preventing service of summons or other proceeding, or preventing publication thereof.

Preventing Service of Summons, Notice, or Order:

If a person avoids receiving a legal notice or helps another person evade service, they can be punished under this section.

Preventing Affixation or Removing a Summons, Notice, or Order:

If an official notice is affixed to a public or private place and someone removes or damages it, they can be prosecuted under this provision.

Preventing Proclamation by Authorities:

If a public servant issues a legal proclamation (such as an attachment order), and someone interferes with its announcement or publication, they are liable under this section.

208. Non-attendance in obedience to an order from public servant.

Legal Obligation to Attend :

If a person is legally required to appear before a public servant at a specific time and place, they must comply.

Failure to Attend :

Deliberate absence or refusal to follow the order can lead to legal consequences.

Different Levels of Punishment :

General non-attendance: Up to 1 month imprisonment or 5,000 fine.

Non-attendance in a court proceeding: Up to 6 months imprisonment or 10,000 fine.

Illustration

(a) A, being legally bound to appear before a High Court, in obedience to a subpoena (summon) 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.

212. Furnishing false information.

This section applies to people who are legally required to provide truthful information to a public servant. If they knowingly provide false information, they commit an offence.

If the false information relates to the commission of a crime, the punishment is more severe. This includes cases where the information could prevent a crime or help in catching a criminal.

Illustration

(a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms (give false information) 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** (outsider) has passed(enter) through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighboring place, and being legally bound to give early and punctual information of the above fact to the officer of the nearest police station, willfully 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.

FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

227. Giving false evidence.

The offence as defined in section 227 BNS, comprises of the following elements

- A legal obligation to state the truth
- Making of false statement or declaration and

- Being false in what it is.

Illustration

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.

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.

228. Fabricating false evidence.

- BNS Section 228 defines the act of fabricating false evidence as the **deliberate creation or alteration of records, documents, or even circumstances to mislead a judicial or legal process**. This includes making false entries in books, records, or documents with the intent that they be used in legal proceedings to mislead a judge, public servant, or arbitrator. Fabrication can also involve manipulating physical circumstances, such as placing an object in a location to influence the outcome of a case.
- The **key element of this section is the intent behind** fabricating evidence. The person committing the act must intend to deceive the legal system, i.e., they aim to influence the outcome of a legal proceeding by creating false evidence. Without this intent, the action would not be considered as “fabricating false evidence” under the law.
- Fabrication of evidence can be done in several ways, including:
 - False entries in records or books
 - Creation of forged documents
 - Alteration of physical evidence or documents
 - Creating false circumstances (e.g., placing an object in a location to mislead investigators) This section applies to both physical and electronic records.

Illustration

'A' puts jewels into a box that belongs to Z with the intention that it will be discovered there and to make it look like Z committed theft.

In this illustration, the circumstances have been made to convict Z for the offence of theft by putting jewels into a box which belongs to Z. So, it is fabricating of false evidence against Z.

229. Punishment for false evidence.

This section provides punishment for the offences of giving false evidence as defined under section 228 and fabricating, false evidence as defined under section 229 of the BNS. This section further states that ;

One who 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 simple imprisonment or rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine, and similarly,

One who intentionally gives or fabricates false evidence **in any other case** shall be punished with simple or rigorous imprisonment for a term which may extend to three years and shall also be liable to fine.

249. Harboring offender.

Knowledge of Crime – The person must know that the offender has committed a crime.

Harboring or Concealing – The accused must assist, shelter, or help the offender avoid legal consequences.

Two Levels of Punishment:

If the original crime is serious (death/life imprisonment/10+ years) → Up to 7 years imprisonment + fine.

If the original crime is less severe (less than 10 years) → Up to 3 years imprisonment + fine.

Note : A person cannot be punished for harbouring their husband or wife.

Illustration

A, knowing that B has committed dacoity, knowingly conceals B in order to screen (protect) 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.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY

270. Public nuisance.

Public nuisance is any act or omission that causes harm, danger, or obstruction to a community or the general public. This includes physical harm, such as pollution affecting health, and non-physical harm, like excessive noise disrupting peace.

Common Injury, Danger, or Annoyance : An act becomes a public nuisance if it directly results in common injury, danger, or annoyance to the public.

Examples include blocking a public road, polluting a shared water source, or emitting loud noises during prohibited hours.

Illegal Omissions and Duty of Care : Public nuisance also includes failure to act when there is a legal obligation to do so, referred to as illegal omissions. **For instance**, a municipal authority failing to clear garbage from a public area, leading to health risks, is guilty of public nuisance.

No Justification for Public Nuisance : The section explicitly states that public nuisance cannot be justified, even if it provides convenience or advantage to a small group. **For example**, setting up a private parking area on a public street may benefit certain individuals but obstructs public access and is therefore prohibited.

281. Rash driving or riding on a public way.

Rash Driving and Its Consequences: Rash driving refers to operating a vehicle without concern for traffic rules or public safety. It includes over speeding, reckless overtaking, or ignoring traffic signals. Such behavior puts pedestrians, passengers, and other drivers at serious risk. **For instance**, a driver racing on crowded city streets not only risks an accident but also disrupts the safety of the community. The law holds individuals accountable to deter such recklessness.

Negligent Riding and Public Risk : Negligent riding involves carelessness, such as failing to maintain control over a vehicle, ignoring safety norms, or riding while distracted (e.g., Mobile texting). Even unintentional actions, like not giving way to pedestrians, can lead to severe consequences. **For example**, a biker speeding in a school zone can cause injuries to children. This point emphasizes the need for vigilance and responsibility while using public roads.

Endangering Human Life : The primary objective of this section is to address actions that endanger lives. Driving or riding in a way that is likely to cause harm, such as reckless lane-switching or ignoring pedestrian crossings, falls under this category. **For example**, a vehicle running a red light in a crowded intersection risks collisions and injuries. This provision ensures that the safety of human life is prioritized over convenience or haste (Urgency of movement).

286. Negligent conduct with respect to poisonous substance.

The primary objective of this provision is to ensure that individuals handle hazardous substances with due care, thus preventing accidents or harm to others.

Perform negligent acts with poisonous substances that may endanger human life or cause injury.

Fail to take necessary precautions to secure poisonous substances, leading to potential risks to human health.

296. Obscene acts and songs.

- BNS Section 296 defines obscene acts as actions that are offensive, indecent, or inappropriate in a public setting. **Obscene songs** include any music or words that are sexually suggestive or vulgar. These acts or songs must be performed in places accessible to the general public, like streets, parks, or public gatherings. The law seeks to ensure that such acts do not disturb the peace or cause embarrassment to the people around.
- The offence applies to **obscene acts** performed in public places. This could include inappropriate gestures, nudity, or lewd behavior that could discomfort or offend others nearby. The law also applies to obscene songs, ballads, or words spoken or sung in a manner that disrupts public order. It aims to prevent any form of public disturbance related to indecency in such places.
- A **public place in this section** refers to any area where the public has access, such as roads, parks, public transport, or places of public entertainment. Even though the law covers any public location, it does not include private spaces where the public does not have access. This section aims to protect people in areas where they expect to engage in everyday activities without facing inappropriate behavior.

297. Keeping lottery office.

Unauthorized Lottery Offices Prohibited: The section prohibits anyone from keeping an office or place for the purpose of conducting a lottery unless authorized by the state. Unauthorized lotteries often operate illegally, bypassing regulations meant to protect participants and prevent fraud. Violators face imprisonment up to six months, a fine, or both.

Publishing Proposals Related to Lotteries: Publishing proposals, **advertisements, or offers** for unauthorized lotteries is a punishable offence. For example, offering prizes based on ticket numbers in an illegal lottery can

lead to a fine of up to 5,000. This ensures that unauthorized lotteries do not exploit individuals

OFFENCES RELATING TO RELIGION

298. Injuring or defiling (damage the purity) place of worship with intent to insult religion of any class.

Section 298 of BNS states the punishment for any person who:

- Destroys, damages, defiles any place of worship
- Destroys, damages, defiles any sacred object (Bible, Quran, or Gita)
- With intention and knowledge of insulting any religion

299. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs

299 of BNS states that any person who with the intention of outraging the religious feelings by:

- Words, either spoken or written/ signs / visible representations
- through electronic means
- With the intention to insult the religious beliefs

300. Disturbing Religious Assembly

300 of BNS states that any person who causes disturbance to any assembly engaged in the performance of:

- Religious worship , Religious ceremonies , Performance of funeral rites
- 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