BHARATIYA NYAYA SANHITA (BNS), 2023

BNS 2023 replaced Indian Penal Code 1860, incorporating 358 sections (511 in IPC), maintaining most of the IPC provisions, introducing new offences, eliminating court- struck-down offences, and enhancing penalties for various offences.

New Offences

- Promise to Marry: Criminalising "deceitful" promises to marry
- Mob Lynching: Codify offences linked to mob lynching and hate-crime murders
- Ordinary criminal law now covers Organized
 Crime and Terrorism, including a broader scope for terror financing in BNS compared to UAPA
- Attempt to Suicide: Criminalises attempts to commit suicide with intent to compel or restrain any public servant from discharging official duty
- Community Service: Added as possible form of punishment

Deletions

- Unnatural Sexual Offences: Section 377 of the IPC, which criminalised homosexuality among other "unnatural" sexual activities repealed completely
- Adultery: Offence of adultery omitted in consonance of apex court judgement
- Thugs: Section 310 of IPC fully omitted
- Gender Neutrality: Some laws dealing with children modified to bring gender neutrality



Other Modifications

- Fake News: Criminalisation of publishing false and misleading information
- Sedition: Introduced under a new name 'deshdroh' with wider definition
- Mandatory Minimum Sentence: In several provisions, mandatory minimum sentences prescribed which may limit scope for judicial discretion
- Damage to Public Property: Carry a graded fine (i.e. fine corresponding to the amount of damage caused)
- Death by Negligence: Elevates punishment for causing death by negligence from two to five years (for doctors - 2 yrs imprisonment)

Key Issues

- Criminal Responsibility Age Discrepancy: Criminal responsibility starts at seven, extendable to 12 based on maturity, potentially conflicting with global recommendations
- Inconsistencies in Child Offense Definitions: It sets child age below 18, but age criteria for offenses like rape differ, causing inconsistency
- Retention of IPC Provisions on Rape and Sexual Harassment: Maintains IPC provisions on rape and sexual harassment, omitting Justice Verma Committee's 2013 suggestions for gender-neutral rape and recognizing marital rape as an offense.

<u>Futanari Tgirl Cbi Criminal Booty Investigators English</u> <u>Edition</u>

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